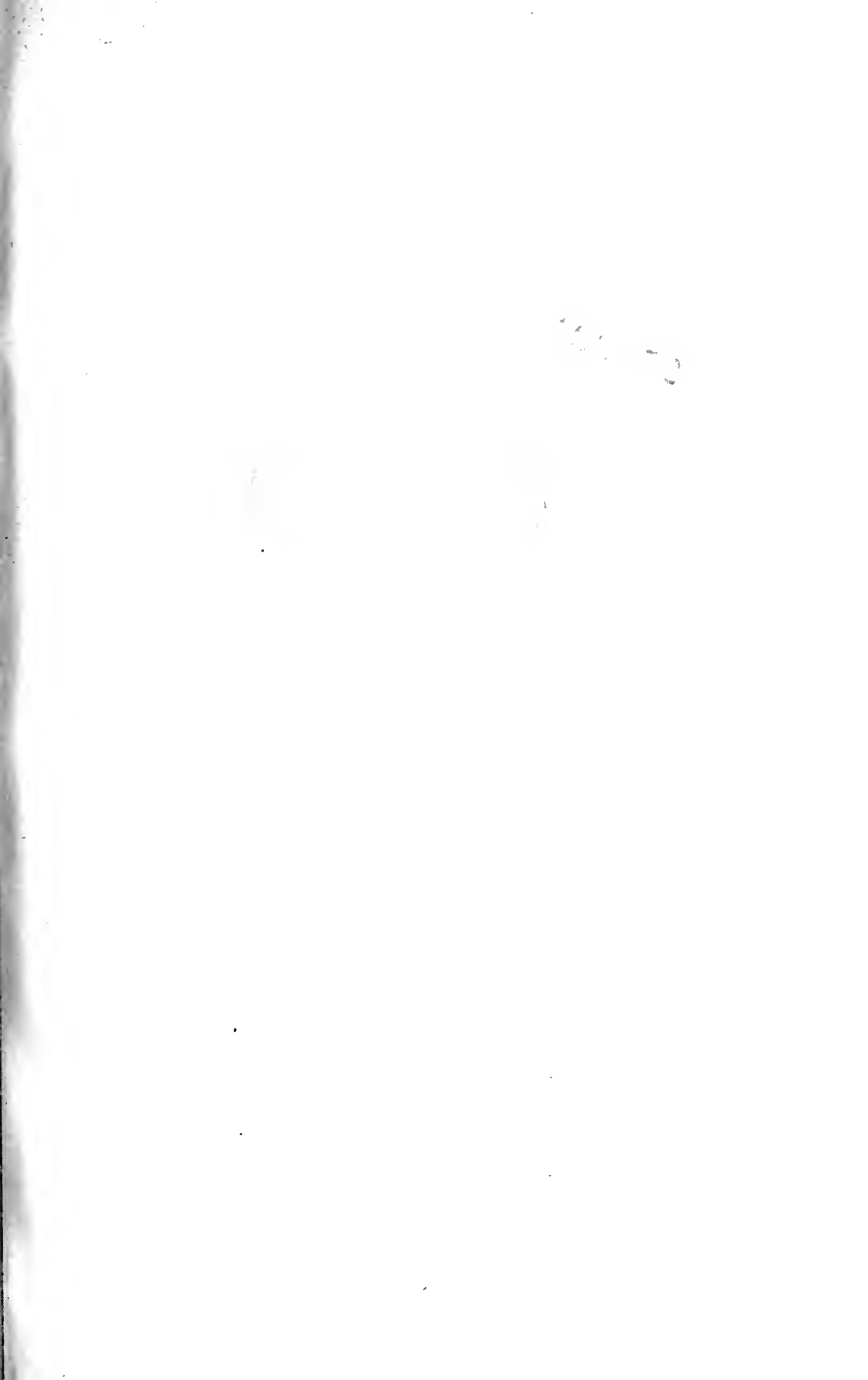


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# LEGISLATIVE ASSEMBLY OF ONTARIO

THIRD SESSION OF THE  
TWENTY-SIXTH PARLIAMENT

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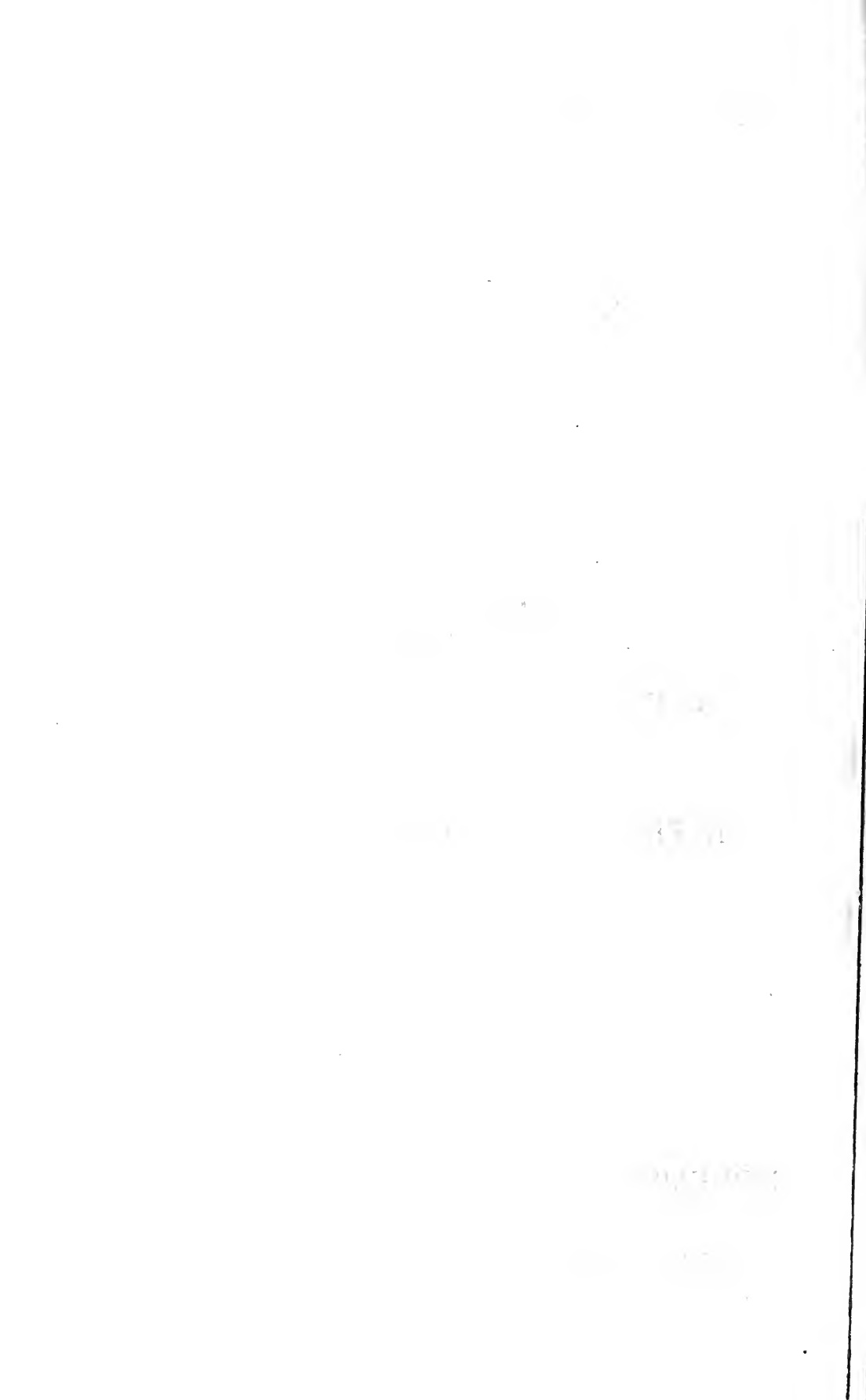
## BILLS

AS INTRODUCED IN THE HOUSE  
TOGETHER WITH  
REPRINTS AND THIRD READINGS

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## SESSION

NOVEMBER 22<sup>nd</sup> to DECEMBER 15<sup>th</sup>, 1961  
and  
FEBRUARY 20<sup>th</sup> to APRIL 18<sup>th</sup>, 1962



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November 22nd to December 15th, 1961

and

February 20th to April 18th, 1962

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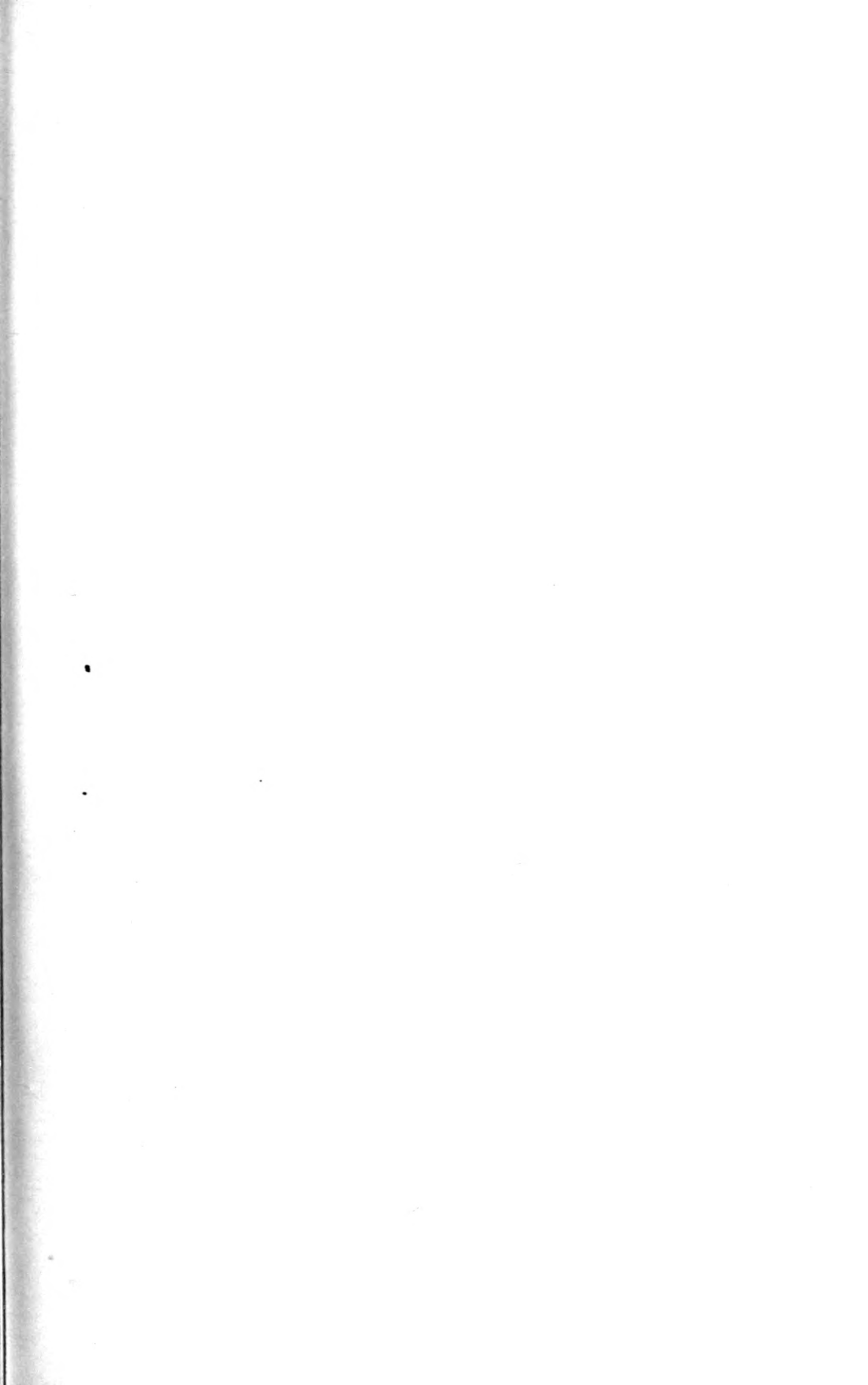
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# **BILL 140**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Public Libraries Act**

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**MR. ROBARTS**

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#### EXPLANATORY NOTES

SECTION 1. The amendments provide that hereafter a public library can be established in a municipality or police village but not in a school section. Present libraries in school sections are continued until disestablished under the Act.

SECTION 2. Complementary to section 1 of this Bill.

SECTION 3. At present, a county library service can be established only if requested by 75 per cent of the municipalities forming a county. The new subsection provides for the establishment of a county library service if only half of the municipalities request it provided the combined population of these municipalities is at least 25,000.

BILL 140

1961-62

## An Act to amend The Public Libraries Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 3 of *The Public Libraries Act* is amended by striking out "township, rural school section, union school section or township school area" in the second and third lines and inserting in lieu thereof "or township", so that subsection 1 of the said section shall read as follows:

R.S.O. 1960,  
c. 325, s. 3,  
amended

(1) A public library may be established in a city, town, village, police village or township under the conditions and in the manner hereinafter provided.

Where  
library  
may be  
established

(2) The said section 3 is further amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 325, s. 3,  
amended

(2) Every public library heretofore established for a rural school section, union school section or township school area that is being operated immediately before this subsection comes into force is hereby continued until it is disestablished.

Present  
libraries  
in school  
sections  
continued

**2.** Subsections 1, 2 and 3 of section 8 and section 9 of *The Public Libraries Act* are repealed.

R.S.O. 1960,  
c. 325, s. 8,  
subss. 1-3,  
s. 9,  
repealed

**3.** Section 86 of *The Public Libraries Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 325, s. 86,  
amended

(1a) Where at least half of the municipalities forming part of a county for municipal purposes and having a combined population of at least 25,000 request the county to establish a county library service, the council of the county may by by-law establish a county library service for all the municipalities that so request.

Idem

R.S.O. 1960,  
c. 325,  
Form 3,  
repealed

**4.** Form 3 of *The Public Libraries Act* is repealed.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Public Libraries Amendment Act, 1961-62*.

**SECTION 4.** Complementary to section 1 of this Bill.





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An Act to amend  
The Public Libraries Act

---

*1st Reading*

March 29th, 1962

*2nd Reading*

*3rd Reading*

---

MR. ROBARTS

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# **BILL 140**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

---

## **An Act to amend The Public Libraries Act**

---

MR. ROBARTS

---



BILL 140

1961-62

## An Act to amend The Public Libraries Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 3 of *The Public Libraries Act* is amended by striking out "township, rural school section, union school section or township school area" in the second and third lines and inserting in lieu thereof "or township", so that subsection 1 of the said section shall read as follows: R.S.O. 1960,  
c. 325, s. 3,  
amended

(1) A public library may be established in a city, town, village, police village or township under the conditions and in the manner hereinafter provided. Where  
library  
may be  
established

(2) The said section 3 is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 325, s. 3,  
amended

(2) Every public library heretofore established for a rural school section, union school section or township school area that is being operated immediately before this subsection comes into force is hereby continued until it is disestablished. Present  
libraries  
in school  
sections  
continued

**2.** Subsections 1, 2 and 3 of section 8 and section 9 of *The Public Libraries Act* are repealed. R.S.O. 1960,  
c. 325, s. 8,  
subs. 1-3,  
s. 9,  
repealed

**3.** Section 86 of *The Public Libraries Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 325, s. 86,  
amended

(1a) Where at least half of the municipalities forming part of a county for municipal purposes and having a combined population of at least 25,000 request the county to establish a county library service, the council of the county may by by-law establish a county library service for all the municipalities that so request. Idem

R.S.O. 1960,  
c. 325,  
Form 3,  
repealed

4. Form 3 of *The Public Libraries Act* is repealed.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Public Libraries Amendment Act, 1961-62.*







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An Act to amend  
The Public Libraries Act

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*1st Reading*

March 29th, 1962

*2nd Reading*

April 6th, 1962

*3rd Reading*

April 17th, 1962

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MR. ROBARTS

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# **BILL 141**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Secondary Schools and Boards of Education Act**

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**MR. ROBERTS**

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#### EXPLANATORY NOTES

SECTION 1. Subsection 6 is re-enacted to provide for the mailing of copies of an award of arbitrators where a continuation school district is absorbed as part of a high school district, and provides a time limit for appealing to the judge from the award.

SECTION 2. The amount levied for expenditures for permanent improvements out of current funds is now limited to a sum calculated at one mill in the dollar upon the total assessment of the high school district. The amendment increases the rate to two mills.

SECTION 3. The provisions respecting the composition of advisory vocational committees are revised.

BILL 141

1961-62

## An Act to amend The Secondary Schools and Boards of Education Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 6 of section 6 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 362, s. 6,  
subs. 6,  
re-enacted

- (6) The secretary of the high school board shall forth- Appeal  
with send by registered mail a copy of the award to the secretary of each elementary school board that established the continuation school district and to the council of each municipality in which the continuation school district was located, and any such elementary school board, the high school board or the council may, within twenty days of the receipt of a copy of the award, appeal from the award to the county judge, whose decision is final.

**2.** Clause *c* of subsection 2 of section 34 of *The Secondary Schools and Boards of Education Act* is amended by striking out "one mill" in the second and third lines and inserting in lieu thereof "two mills", so that the clause shall read as follows: R.S.O. 1960,  
c. 362, s. 34,  
subs. 2,  
cl. c,  
amended

- (c) expenditures for permanent improvements out of current funds not exceeding a sum calculated at two mills in the dollar upon the total assessment of the high school district according to the last revised assessment roll and a further sum if such further sum is approved in the manner provided for approving debentures for permanent improvements.

**3.** Subsections 2, 3, 4 and 5 of section 42 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 362, s. 42,  
subs. 2-5,  
re-enacted

## Composition

- (2) The committee shall consist of five, eight or twelve members as the board may determine.

## Idem

- (3) Where the committee is to consist of five members, it shall be composed of,

- (a) the chairman and two trustees;
- (b) one person, not a member of the board, who is an employee in manufacturing, agricultural, commercial or other industry carried on in the high school district; and
- (c) one person, not a member of the board, who is an employer of labour or the director of a company employing labour in manufacturing, agricultural, commercial or other industry carried on in the high school district.

## Idem

- (4) Where the committee is to consist of eight members, it shall be composed of,

- (a) the chairman and three trustees;
- (b) two persons, not members of the board, who are employees in manufacturing, agricultural, commercial or other industries carried on in the high school district; and
- (c) two persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries carried on in the high school district.

## Idem

- (5) Where the committee is to consist of twelve members, it shall be composed of,

- (a) the chairman and five trustees;
- (b) three persons, not members of the board, who are employees in manufacturing, agricultural, commercial or other industries carried on in the high school district; and
- (c) three other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries carried on in the high school district.



SECTION 4. The amendment is to clarify the revenue that is to be deducted from expenditures to calculate the tuition fees chargeable by a high school board.

SECTION 5. The subsection, as re-enacted, provides that the portion of the cost of vocational school accommodation that was paid by the Province under a Federal-Provincial agreement shall not be included in the calculation of fees for non-resident pupils.

(6) Where a vocational school is built under a technical and vocational training agreement entered into by Canada and the Province of Ontario in one high school district on the understanding that it will serve two or more high school districts, the composition of the committee shall be determined, subject to the approval of the Minister, by the boards concerned.

(7) A member appointed to represent employees or employers on the committee is entitled to receive the same honorarium and travelling expenses as a member of the board is entitled to receive as a trustee for secondary school purposes.

4. Clause *b* of subsection 4 of section 69 of *The Secondary Schools and Boards of Education Act*, as amended by subsections 2 and 3 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed and the following substituted therefor:

(b) Second, the total gross revenues shall be ascertained for the same calendar year in respect of the schools from,

(i) legislative grants, excluding grants on the cost of transporting resident pupils and on fees paid or payable to another board and on the operation of evening courses of study, and

(ii) all other sources except taxation and tuition fees.

5. Subsection 2 of section 70 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

(2) Where a resident pupil of a secondary school district attends a secondary school pursuant to an agreement under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 3 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school, calculated in accordance with subsection 4 or 5 of section 69, as the case requires, except that,

(a) legislative grants shall not be deducted as provided in clause *c* of the said subsection 4; and

- (b) the portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed and paid by the Province shall not be included as an expenditure under clause *a* of the said subsection 4.

R.S.O. 1960,  
c. 362, s. 78,  
repealed

**6.** Section 78 of *The Secondary Schools and Boards of Education Act* is repealed.

Commence-  
ment

**7.**—(1) This Act, except sections 4 and 5, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 4 and 5 shall be deemed to have come into force on the 1st day of January, 1962.

Short title

**8.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1961-62*.



SECTION 6. The provision of section 78 with respect to providing transportation for pupils is now contained in section 37 of *The Schools Administration Act*. Section 78 is therefore repealed.



decide whether or not  
it is necessary to do so.

An Act to amend The Secondary Schools  
and Boards of Education Act

---

*1st Reading*

March 30th, 1962

*2nd Reading*

*3rd Reading*

---

MR. ROBARTS

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# **BILL 141**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Secondary Schools and Boards of Education Act**

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**MR. ROBERTS**

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*(Reprinted as amended by the Committee on Education)*

#### EXPLANATORY NOTES

SECTION 1. Subsection 6 is re-enacted to provide for the mailing of copies of an award of arbitrators where a continuation school district is absorbed as part of a high school district, and provides a time limit for appealing to the judge from the award.

SECTION 2. Self explanatory.

SECTION 3. The amount levied for expenditures for permanent improvements out of current funds is now limited to a sum calculated at one mill in the dollar upon the total assessment of the high school district. The amendment increases the rate to two mills.

## BILL 141

1961-62

## An Act to amend The Secondary Schools and Boards of Education Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 6 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 362, s. 6,  
subs. 6,  
re-enacted

- (6) The secretary of the high school board shall forthwith send by registered mail a copy of the award to the secretary of each elementary school board that established the continuation school district and to the council of each municipality in which the continuation school district was located, and any such elementary school board, the high school board or the council may, within twenty days of the receipt of a copy of the award, appeal from the award to the county judge, whose decision is final. Appeal

2. Clause *b* of subsection 1 of section 21 of *The Secondary Schools and Boards of Education Act* is amended by striking out "British subject" and inserting in lieu thereof "Canadian citizen", so that the clause shall read as follows: R.S.O. 1960,  
c. 362, s. 21,  
subs. 1, cl. *b*,  
amended

(*b*) is a Canadian citizen. [Redacted]

3. Clause *c* of subsection 2 of section 34 of *The Secondary Schools and Boards of Education Act* is amended by striking out "one mill" in the second and third lines and inserting in lieu thereof "two mills", so that the clause shall read as follows: R.S.O. 1960,  
c. 362, s. 34,  
subs. 2,  
cl. *c*,  
amended

- (*c*) expenditures for permanent improvements out of current funds not exceeding a sum calculated at two mills in the dollar upon the total assessment of the high school district according to the last revised assessment roll and a further sum if such further sum

is approved in the manner provided for approving debentures for permanent improvements.

R.S.O. 1960,  
c. 362, s. 42,  
subss. 2-5,  
re-enacted

4. Subsections 2, 3, 4 and 5 of section 42 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

Composition

- (2) The committee shall consist of five, eight or twelve members as the board may determine.

Idem

- (3) Where the committee is to consist of five members, it shall be composed of,
- (a) the chairman and two trustees;
  - (b) one person, not a member of the board, who is an employee in manufacturing, agricultural, commercial or other industry carried on in the high school district; and
  - (c) one person, not a member of the board, who is an employer of labour or the director of a company employing labour in manufacturing, agricultural, commercial or other industry carried on in the high school district.

Idem

- (4) Where the committee is to consist of eight members, it shall be composed of,
- (a) the chairman and three trustees;
  - (b) two persons, not members of the board, who are employees in manufacturing, agricultural, commercial or other industries carried on in the high school district; and
  - (c) two persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries carried on in the high school district.

Idem

- (5) Where the committee is to consist of twelve members, it shall be composed of,
- (a) the chairman and five trustees;
  - (b) three persons, not members of the board, who are employees in manufacturing, agricultural, commercial or other industries carried on in the high school district; and
  - (c) three other persons, not members of the board, who are employers of labour or directors of



SECTION 4. The provisions respecting the composition of advisory vocational committees are revised.

**SECTION 5.** The amendment is to clarify the revenue that is to be deducted from expenditures to calculate the tuition fees chargeable by a high school board.

**SECTION 6.** The subsection, as re-enacted, provides that the portion of the cost of vocational school accommodation that was paid by the Province under a Federal-Provincial agreement shall not be included in the calculation of fees for non-resident pupils.

companies employing labour in manufacturing, agricultural, commercial or other industries carried on in the high school district.

- (6) Where a vocational school is built under a technical and vocational training agreement entered into by Canada and the Province of Ontario in one high school district on the understanding that it will serve two or more high school districts, the composition of the committee shall be determined, subject to the approval of the Minister, by the boards concerned. Where school under technical and vocational training agreement

- (7) A member appointed to represent employees or employers on the committee is entitled to receive the same honorarium and travelling expenses as a member of the board is entitled to receive as a trustee for secondary school purposes. Honorarium and expenses

5. Clause *b* of subsection 4 of section 69 of *The Secondary Schools and Boards of Education Act*, as amended by subsections 2 and 3 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 69, subs. 4, cl. b, re-enacted

- (b) Second, the total gross revenues shall be ascertained for the same calendar year in respect of the schools from,
- (i) legislative grants, excluding grants on the cost of transporting resident pupils and on fees paid or payable to another board and on the operation of evening courses of study, and
  - (ii) all other sources except taxation and tuition fees.

6. Subsection 2 of section 70 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 70, subs. 2, re-enacted

- (2) Where a resident pupil of a secondary school district attends a secondary school pursuant to an agreement under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 3 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school, calculated in accordance with subsection 4 or 5 of section 69, as the case requires, except that, Fees payable

- (a) legislative grants shall not be deducted as provided in clause *c* of the said subsection 4; and
- (b) the portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed and paid by the Province shall not be included as an expenditure under clause *a* of the said subsection 4.

R.S.O. 1960,  
c. 362, s. 78,  
repealed

**7.** Section 78 of *The Secondary Schools and Boards of Education Act* is repealed.

Commence-  
ment

**8.**—(1) This Act, except sections 2, 5 and 6, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 5 and 6 shall be deemed to have come into force on the 1st day of January, 1962.

Idem

(3) Section 2 comes into force on the 1st day of January, 1963.

Short title

**9.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1961-62*.

SECTION 7. The provision of section 78 with respect to providing transportation for pupils is now contained in section 37 of *The Schools Administration Act*. Section 78 is therefore repealed.



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**An Act to amend The Secondary Schools  
and Boards of Education Act**

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*1st Reading*

March 30th, 1962

*2nd Reading*

April 6th, 1962

*3rd Reading*

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**MR. ROBARTS**

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*(Reprinted as amended by the  
Committee on Education)*



# **BILL 141**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Secondary Schools and Boards of Education Act**

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**MR. ROBARTS**

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## BILL 141

1961-62

## An Act to amend The Secondary Schools and Boards of Education Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 6 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 362, s. 6,  
subs. 6,  
re-enacted

- (6) The secretary of the high school board shall forthwith send by registered mail a copy of the award to the secretary of each elementary school board that established the continuation school district and to the council of each municipality in which the continuation school district was located, and any such elementary school board, the high school board or the council may, within twenty days of the receipt of a copy of the award, appeal from the award to the county judge, whose decision is final. Appeal

2. Clause *b* of subsection 1 of section 21 of *The Secondary Schools and Boards of Education Act* is amended by striking out "British subject" and inserting in lieu thereof "Canadian citizen", so that the clause shall read as follows: R.S.O. 1960,  
c. 362, s. 21,  
subs. 1, cl. *b*,  
amended

- (*b*) is a Canadian citizen.

3. Clause *c* of subsection 2 of section 34 of *The Secondary Schools and Boards of Education Act* is amended by striking out "one mill" in the second and third lines and inserting in lieu thereof "two mills", so that the clause shall read as follows: R.S.O. 1960,  
c. 362, s. 34,  
subs. 2,  
cl. *c*,  
amended

- (*c*) expenditures for permanent improvements out of current funds not exceeding a sum calculated at two mills in the dollar upon the total assessment of the high school district according to the last revised assessment roll and a further sum if such further sum

is approved in the manner provided for approving debentures for permanent improvements.

R.S.O. 1960,  
c. 362, s. 42,  
subss. 2-5,  
re-enacted

4. Subsections 2, 3, 4 and 5 of section 42 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

Composition

- (2) The committee shall consist of five, eight or twelve members as the board may determine.

Idem

- (3) Where the committee is to consist of five members, it shall be composed of,

- (a) the chairman and two trustees;
- (b) one person, not a member of the board, who is an employee in manufacturing, agricultural, commercial or other industry carried on in the high school district; and
- (c) one person, not a member of the board, who is an employer of labour or the director of a company employing labour in manufacturing, agricultural, commercial or other industry carried on in the high school district.

Idem

- (4) Where the committee is to consist of eight members, it shall be composed of,

- (a) the chairman and three trustees;
- (b) two persons, not members of the board, who are employees in manufacturing, agricultural, commercial or other industries carried on in the high school district; and
- (c) two persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries carried on in the high school district.

Idem

- (5) Where the committee is to consist of twelve members, it shall be composed of,

- (a) the chairman and five trustees;
- (b) three persons, not members of the board, who are employees in manufacturing, agricultural, commercial or other industries carried on in the high school district; and
- (c) three other persons, not members of the board, who are employers of labour or directors of

companies employing labour in manufacturing, agricultural, commercial or other industries carried on in the high school district.

- (6) Where a vocational school is built under a technical and vocational training agreement entered into by Canada and the Province of Ontario in one high school district on the understanding that it will serve two or more high school districts, the composition of the committee shall be determined, subject to the approval of the Minister, by the boards concerned. Where school under technical and vocational training agreement
- (7) A member appointed to represent employees or employers on the committee is entitled to receive the same honorarium and travelling expenses as a member of the board is entitled to receive as a trustee for secondary school purposes. Honorarium and expenses

5. Clause *b* of subsection 4 of section 69 of *The Secondary Schools and Boards of Education Act*, as amended by subsections 2 and 3 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 69, subs. 4, cl. b, re-enacted

- (b) Second, the total gross revenues shall be ascertained for the same calendar year in respect of the schools from,
- (i) legislative grants, excluding grants on the cost of transporting resident pupils and on fees paid or payable to another board and on the operation of evening courses of study, and
  - (ii) all other sources except taxation and tuition fees.

6. Subsection 2 of section 70 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 70, subs. 2, re-enacted

- (2) Where a resident pupil of a secondary school district attends a secondary school pursuant to an agreement under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 3 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school, calculated in accordance with subsection 4 or 5 of section 69, as the case requires, except that, Fees payable

- (a) legislative grants shall not be deducted as provided in clause *c* of the said subsection 4; and
- (b) the portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed and paid by the Province shall not be included as an expenditure under clause *a* of the said subsection 4.

R.S.O. 1960,  
c. 362, s. 78,  
repealed

7. Section 78 of *The Secondary Schools and Boards of Education Act* is repealed.

Commence-  
ment

8.—(1) This Act, except sections 2, 5 and 6, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 5 and 6 shall be deemed to have come into force on the 1st day of January, 1962.

Idem

(3) Section 2 comes into force on the 1st day of January, 1963.

Short title

9. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1961-62*.



Bill 141

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An Act to amend The Secondary Schools  
and Boards of Education Act

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*1st Reading*

March 30th, 1962

*2nd Reading*

April 6th, 1962

*3rd Reading*

April 17th, 1962

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MR. ROBARTS

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# **BILL 142**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Public Schools Act**

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**MR. ROBARTS**

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#### EXPLANATORY NOTES

SECTION 1. As section 17 applies to all school sections and as the definition of "school section" includes a township school area, it is not necessary to refer in subsection 2 to township school areas. For clarification purposes only, the references in subsection 2 to township school areas are, therefore, deleted.

SECTION 2. The amendments bring the qualifications of rural trustees and urban trustees as much in line as possible. Section 27, dealing with urban trustees, is also amended. See section 5 of this Bill.

## BILL 142

1961-62

## An Act to amend The Public Schools Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 17 of *The Public Schools Act* is amended by striking out "or a township school area" in the second line and in the third line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 330, s. 17,  
subs. 2,  
amended

(2) A by-law of a municipal council to establish a school section or to alter the boundaries of a school section shall not come into force until it has been approved by the Minister. Approval of  
Minister

2. Section 18 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 330, s. 18,  
re-enacted

18.—(1) The public school trustees of a rural school section that is not a township area are a corporation by the name of "The Public School Board of School Section No. .... of the Township of ...." (*inserting the number of the school section and the name of the township*). Rural school  
trustees to be  
corporation

(2) For every rural school section there shall be three trustees, each of whom, in rotation, shall, except as herein otherwise provided, hold office for three years and until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. Trustees,  
term of  
office  
  
R.S.O. 1960,  
c. 361

(3) A person is qualified to be elected as a trustee who, Qualifica-  
tions to be  
elected  
trustee

(a) is a British subject;

(b) is of the full age of twenty-one years;

- (c) is a resident in the school section; and
- (d) is a ratepayer in the school section.

**Disqualifi-  
cations**

- (4) A person is not qualified to be elected as a trustee,
  - (a) who is a member of any other elementary or secondary school board or of the council or local board of a municipality in which all or part of the school section is situate, unless before the opening of the nomination meeting he has filed his resignation with the clerk of the other school board or with the clerk of the municipality or local board, as the case may be;
  - (b) who is the clerk or treasurer of a municipality in which all or part of the school section is situate;
  - (c) who is the husband or wife of a trustee;
  - (d) who is otherwise disqualified under this or any other Act; or
  - (e) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

**Qualification  
to act as  
trustee**

- (5) A person is qualified to act as a trustee during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 3 and does not become disqualified under clauses *a* to *d* of subsection 4.

**Persons  
deemed  
ratepayers**

- (6) The following persons shall be deemed ratepayers under clause *d* of subsection 3:
  - (a) the husband or wife of a person assessed in a municipality as actual owner or tenant of land in the school section for an amount sufficient to entitle him or her to vote at municipal elections;



SECTION 3. At present, subsection 1 of section 21 provides for the annual meetings of rural school sections and excludes township school areas that include part or all of an organized municipality. The subsection, therefore, applies to township school areas in unorganized territory. As elections for trustees of township school areas in unorganized territory are provided for elsewhere, subsection 1 should not apply to any township school area. The subsection is, therefore, amended accordingly.

SECTION 4. The amendment excepts all township school areas from the provision respecting the duties of secretaries of rural school sections.

SECTION 5. The provisions respecting the qualifications of urban trustees are brought more in line with those for rural trustees. See also section 2 of this Bill respecting qualifications of rural trustees.

(b) the son or daughter of a person assessed as the owner of a farm in the school section if he or she is resident on the farm with the assessed owner; and

(c) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the school section if he or she resides on the farm with the assessed owner.

(7) For the purposes of subsection 6, "farm" means not less than twenty acres of land in the actual occupation of the owner thereof. Interpretation

3. Subsection 1 of section 21 of *The Public Schools Act* is amended by striking out "that includes part or all of an organized municipality" in the second and third lines, so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 21, subs. 1, amended

(1) A meeting of the electors of every rural school section except a township school area for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December, or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines, or, in the absence of such resolution, at the schoolhouse of the section. Annual meeting, in rural school sections, when held

4. Subsection 1 of section 24 of *The Public Schools Act* is amended by striking out "that includes part or all of an organized municipality" in the second and third lines, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 330, s. 24, subs. 1, amended

(1) It is the duty of the secretary of a rural school section, except a township school area, Duties of secretary of rural school section:

. . . . .

5. Subsections 2, 3 and 4 of section 27 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 27, subs. 2, re-enacted; subss. 3, 4, repealed

(2) A person is qualified to be elected as a trustee and to sit and vote as a member of a school board in an urban municipality who, Qualifications of trustees

(a) subject to clause *b*, has the same qualifications as a rural school trustee under subsections 3 to 6 of section 18, which subsections apply *mutatis mutandis*; and

(b) is a ratepayer in the urban municipality and is resident in or within one mile of the urban municipality.

R.S.O. 1960, c. 330, s. 30, re-enacted **6.** Section 30 of *The Public Schools Act* is repealed and the following substituted therefor:

Urban municipality divided into wards

30.—(1) A school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the electors of that ward.

Where five or more wards

(2) A school board of an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the electors of each ward for a term of two years.

Change from election by wards to general vote

(3) The composition and election of a school board of an urban municipality that is elected as provided in subsection 1 or 2 may be changed to that provided in section 29.

R.S.O. 1960, c. 330, s. 32, amended **7.** Section 32 of *The Public Schools Act* is amended by adding thereto the following subsection:

Trustee in office until organization of new board

(2) Every trustee of a school board of an urban municipality shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*.

R.S.O. 1960, c. 361

R.S.O. 1960, c. 330, s. 39, repealed

**8.** Section 39 of *The Public Schools Act* is repealed.

R.S.O. 1960, c. 330, s. 40, amended

**9.**—(1) Section 40 of *The Public Schools Act* is amended by adding thereto the following subsection:

Time for passing by-law re remaining part of union school section

(5a) Notwithstanding section 17, a by-law may be passed under subsection 5 on or before the 30th day of September.

R.S.O. 1960, c. 330, s. 40, subs. 13, amended

(2) Subsection 13 of the said section 40 is amended by inserting after "which" in the second line "subject to subsection 15", so that the subsection shall read as follows:



SECTION 6. At present, new boards in urban municipalities that are divided into wards must in the first instance be elected by general vote and may later change to election by wards in accordance with the Act. Section 30 is re-enacted to permit new boards in urban municipalities that are divided into wards to be elected by general vote or by wards in the first instance with power to change at a later date in accordance with the Act.

SECTION 7. This provision formerly appeared in subsection 2 of section 27 which is re-enacted. See section 5 of this Bill. The amendment is for clarification.

SECTION 8. The section repealed provides that a municipal clerk is not eligible to be a member of a school board having jurisdiction in the whole or part of the municipality. This provision is transferred to the section dealing with qualification of trustees. See section 2 of this Bill.

SECTION 9—Subsection 1. Where a township school area that is being formed or altered includes part of a union school section, it is necessary to include any remaining part in a new or another school section. The new subsection provides that a by-law with respect to a remaining part may be passed on or before September 30th in the same year as the township school area is formed or altered.

Subsections 2 and 3. At present, a new board of a township school area that is divided into wards must in the first instance be composed of five members elected at large and may later be changed in accordance with the Act to the composition and election provided for an urban school board. The amendments will permit such new boards to be elected at large or by wards in the first instance with power to change at a later date in accordance with the Act.

Subsection 4. At present a by-law establishing a township school area does not come into force until it is approved by the Minister and an order respecting the adjustment of claims has been made. The latter requirement is deleted as the report may be approved or amended later by the Minister.

SECTION 10. The amendments provide for a supplementary report by the referee where the audit following the referee's report reveals a condition that was not known to the referee at the time of his report.

SECTION 11. The amendment provides for an apportionment of the requisition for a township school area comprising territory in two or more municipalities in the year in which the area is formed or altered.

- (13) There shall be a board of public school trustees for every township school area which, subject to subsection 15, shall consist of five members. Board of public school trustees for township school area
- (3) Subsection 15 of the said section 40 is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 40, subs. 15, re-enacted
- (15) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be that provided for a school board of an urban municipality that is divided into wards, provided that any change in the composition and election of the board shall be made in the manner provided in section 31, which section applies *mutatis mutandis*. Where township divided into wards
- (4) Subsection 27 of the said section 40 is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 40, subs. 27, re-enacted
- (27) No by-law passed under this section comes into force until it has been approved by the Minister. Approval of by-law
- 10.**—(1) Subsection 5 of section 42 of *The Public Schools Act* is amended by inserting after "and" in the first line "subject to subsection 5a", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 42, subs. 5, amended
- (5) The Minister may adopt, vary or amend the report and, subject to subsection 5a, his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby. Decision of Minister
- (2) The said section 42 is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 42, amended
- (5a) Where the auditor's annual report for the year in which the by-law establishing, altering or dissolving the township school area was passed reveals a condition that was not evident when the referee made his report, the referee may submit a supplementary report in the manner provided for the original report, and the Minister may adopt, vary or amend the supplementary report, and his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby. Supplementary report
- 11.** Section 43 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 43, amended

on formation  
or alteration

- (1a) In any year in which a township school area comprising territory in two or more municipalities is formed or in which its boundaries are altered, the apportionment of the annual requisition shall be determined in the manner provided in section 55.

R.S.O. 1960,  
c. 330, s. 45,  
subs. 17,  
re-enacted;  
subs. 18,  
repealed

**12.** Subsections 17 and 18 of section 45 of *The Public Schools Act* are repealed and the following substituted therefor:

Term of  
appointment

- (17) The proportion of liability determined by the arbitrators under subsection 13 shall continue in force until it is altered under the provisions of section 55.

R.S.O. 1960,  
c. 330, s. 54,  
subs. 1, 2,  
re-enacted;  
subs. 3,  
repealed

**13.** Subsections 1, 2 and 3 of section 54 of *The Public Schools Act* are repealed and the following substituted therefor:

Application  
of  
R.S.O. 1960,  
c. 249, re  
assets and  
liabilities of  
incorpora-  
tion or  
annexation

- (1) Where a school section is located in whole or in part in an area that becomes incorporated or is annexed to or amalgamated with another municipality, the provisions of sections 12 and 14 of *The Municipal Act* apply with respect to the disposition of assets and liabilities.

Issue of  
debentures  
for rural  
school board

- (2) Subsection 1 of section 65 does not apply to an application by a rural school board for the issue of debentures required under an agreement or an order of the Ontario Municipal Board made under section 12 or 14 of *The Municipal Act*.

R.S.O. 1960,  
c. 330,  
amended

**14.** *The Public Schools Act* is amended by adding thereto the following section:

Powers of  
board re  
levying of  
rates, etc.

- 58a.—(1) The board of a school section that comprises territory without municipal organization shall exercise for the territory included in the section the powers and duties of a municipal council with respect to preparing estimates of the sums required during the year, levying rates, collecting taxes and issuing debentures, for public school purposes.

Powers of  
tax collector

- (2) The tax collector appointed by the board for the territory without municipal organization has the same powers as a tax collector in a municipality.

Rates for  
first year  
levied on  
current  
assessment

- (3) In the first year in which territory without municipal organization is included in a school section, the rates for that year shall be levied on the assessment made in that year.

SECTION 12. The amendment is for the purpose of clarification only.

SECTION 13. The amendments are to remove a conflict between section 54 and the provisions of sections 12 and 14 of *The Municipal Act* with respect to the adjustment of assets and liabilities on incorporation or annexation.

SECTION 14. The amendment is to clarify the powers of the board and the tax collectors in territory without municipal organization with respect to the levying and collecting of rates.

SECTION 15. At present, subsection 1 of section 60 authorizes boards in unorganized territory only to issue debentures for the purchase of a school site and the erection of a school house. The amendment extends the authority to issue debentures to include all permanent improvements as defined in *The Schools Administration Act*.

SECTION 16. Provision is made for the repayment of a debenture debt on the alteration of the boundaries of a school section.

SECTION 17. The new subsection 5 authorizes public school boards in unorganized territory to borrow money for current expenditures until grants and taxes are collected.

**15.** Subsection 1 of section 60 of *The Public Schools Act* is amended by striking out "the purchase of a school site and the erection of a schoolhouse" in the second and third lines and inserting in lieu thereof "permanent improvements", so that the subsection shall read as follows:

- (1) In territory without municipal organization, the board of a school section may issue debentures for permanent improvements for such amounts and for such term of years, not exceeding thirty, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided in *The Municipal Act*, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section.

**16.** Subsections 9 and 10 of section 65 of *The Public Schools Act* are repealed and the following substituted therefor:

- (9) Where there is a debenture debt for public school purposes in a school section when the boundaries of the school section are altered, and property taxable for public school purposes included therein is, by reason of such alteration, attached to another school section, the arbitrators or the referee appointed to adjust rights in respect of such alteration may require the board of the school section to which the property was attached to pay such portion of the interest and principle of the debenture debt as is determined by the arbitrators or the referee.

**17.** Section 74 of *The Public Schools Act* is amended by adding thereto the following subsection:

- (5) A public school board of a rural school section including only territory without municipal organization may borrow on the promissory note of the board, under its corporate seal, such moneys as may be required to meet maintenance expenditures until legislative grants and taxes are collected, but the amount that may be borrowed in any year,

(a) shall not exceed 70 per cent of the estimated revenues of the board as set forth in the estimates adopted for the year; and

(b) at any one time, together with similar borrowings that have not been repaid, shall not

exceed the uncollected balance of the estimated revenues of the board as set forth in the estimates adopted for the year.

R.S.O. 1960,  
c. 330, s. 76,  
amended

**18.** Section 76 of *The Public Schools Act* is amended by adding thereto the following subsections:

Appeal to  
county  
council re  
assenting  
resolution

- (8) Where the council of a municipality in a county passes a by-law for the formation, division, union or alteration of a township school area and requests the council of another municipality that is required to assent thereto to pass such an assenting resolution, and the council of such other municipality refuses or neglects to pass such a resolution within thirty days after the request, the council that passed the by-law may within the next twenty days appeal to the council of the county against the refusal or neglect, and subsections 3, 4, 6 and 7 apply *mutatis mutandis*.

Appeal to  
Minister

- (9) Where the by-law involves land in two or more counties or a city or separated town, the appeal shall be to the Minister, who shall either,

(a) dismiss the appeal; or

(b) appoint a board of three arbitrators to hear the appeal, and the board, subject to subsection 3 of section 11, shall form, divide, unite or alter the boundaries of the township school area or the school section or sections so far as to settle the matters complained of.

Commence-  
ment

**19.** This Act comes into force on the day it receives Royal Assent.

Short title

**20.** This Act may be cited as *The Public Schools Amendment Act, 1961-62*.



**SECTION 18.** The new subsections 8 and 9 provide for an appeal to the county council, or to the Minister where more than one county or a city or separated town are involved, where a municipality refuses or neglects to pass an assenting resolution with respect to the formation or alteration of a township school area.



Index of vol. of  
of school of 1911

An Act to amend  
The Public Schools Act

*1st Reading*

March 30th, 1962

*2nd Reading*

*3rd Reading*

MR. ROBARTS

# **BILL 142**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Public Schools Act**

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**MR. ROBARTS**

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*(Reprinted as amended by the Committee on Education)*

#### EXPLANATORY NOTES

SECTION 1. As section 17 applies to all school sections and as the definition of "school section" includes a township school area, it is not necessary to refer in subsection 2 to township school areas. For clarification purposes only, the references in subsection 2 to township school areas are, therefore, deleted.

SECTION 2. The amendments bring the qualifications of rural trustees and urban trustees as much in line as possible. Section 27, dealing with urban trustees, is also amended. See section 5 of this Bill.

BILL 142

1961-62

## An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 17 of *The Public Schools Act* is amended by striking out "or a township school area" in the second line and in the third line, so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 17, subs. 2, amended

(2) A by-law of a municipal council to establish a school section or to alter the boundaries of a school section shall not come into force until it has been approved by the Minister. Approval of Minister

2. Section 18 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 18, re-enacted

18.—(1) The public school trustees of a rural school section that is not a township area are a corporation by the name of "The Public School Board of School Section No. .... of the Township of ...." (*inserting the number of the school section and the name of the township*). Rural school trustees to be corporation

(2) For every rural school section there shall be three trustees, each of whom, in rotation, shall, except as herein otherwise provided, hold office for three years and until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. Trustees, term of office

(3) A person is qualified to be elected as a trustee who, Qualifications to be elected trustee

(a) is a Canadian citizen;

(b) is of the full age of twenty-one years;

(c) is a resident in the school section; and

(d) is a ratepayer in the school section.

**Disqualifi-  
cations**

- (4) A person is not qualified to be elected as a trustee,
- (a) who is a member of any other elementary or secondary school board or of the council or local board of a municipality in which all or part of the school section is situate, unless before the opening of the nomination meeting he has filed his resignation with the clerk of the other school board or with the clerk of the municipality or local board, as the case may be;
  - (b) who is the clerk or treasurer of a municipality in which all or part of the school section is situate;
  - (c) who is the husband or wife of a trustee;
  - (d) who is otherwise disqualified under this or any other Act; or
  - (e) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

**Qualification  
to act as  
trustee**

- (5) A person is qualified to act as a trustee during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 3 and does not become disqualified under clauses *a* to *d* of subsection 4.

**Persons  
deemed  
ratepayers**

- (6) The following persons shall be deemed ratepayers under clause *d* of subsection 3:
- (a) the husband or wife of a person assessed in a municipality as actual owner or tenant of land in the school section for an amount sufficient to entitle him or her to vote at municipal elections;





SECTION 3. At present, subsection 1 of section 21 provides for the annual meetings of rural school sections and excludes township school areas that include part or all of an organized municipality. The subsection, therefore, applies to township school areas in unorganized territory. As elections for trustees of township school areas in unorganized territory are provided for elsewhere, subsection 1 should not apply to any township school area. The subsection is, therefore, amended accordingly.

SECTION 4. The amendment excepts all township school areas from the provision respecting the duties of secretaries of rural school sections.

SECTION 5. The provisions respecting the qualifications of urban trustees are brought more in line with those for rural trustees. See also section 2 of this Bill respecting qualifications of rural trustees.

- (b) the son or daughter of a person assessed as the owner of a farm in the school section if he or she is resident on the farm with the assessed owner; and
  - (c) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the school section if he or she resides on the farm with the assessed owner.
- (7) For the purposes of subsection 6, "farm" means not less than twenty acres of land in the actual occupation of the owner thereof. Interpretation

3. Subsection 1 of section 21 of *The Public Schools Act* is amended by striking out "that includes part or all of an organized municipality" in the second and third lines, so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 21, subs. 1, amended

- (1) A meeting of the electors of every rural school section except a township school area for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December, or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines, or, in the absence of such resolution, at the schoolhouse of the section. Annual meeting, in rural school sections, when held

4. Subsection 1 of section 24 of *The Public Schools Act* is amended by striking out "that includes part or all of an organized municipality" in the second and third lines, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 330, s. 24, subs. 1, amended

- (1) It is the duty of the secretary of a rural school section, except a township school area, Duties of secretary of rural school section:

. . . . .

5. Subsections 2, 3 and 4 of section 27 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 27, subs. 2, re-enacted; subss. 3, 4, repealed

- (2) A person is qualified to be elected as a trustee and to sit and vote as a member of a school board in an urban municipality who, Qualifications of trustees

(a) subject to clause *b*, has the same qualifications as a rural school trustee under subsections 3 to 6 of section 18, which subsections apply *mutatis mutandis*; and

(b) is a ratepayer in the urban municipality and is resident in or within one mile of the urban municipality.

R.S.O. 1960, c. 330, s. 30, re-enacted **6.** Section 30 of *The Public Schools Act* is repealed and the following substituted therefor:

Urban municipality divided into wards

30.—(1) A school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the electors of that ward.

Where five or more wards

(2) A school board of an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the electors of each ward for a term of two years.

Change from election by wards to general vote

(3) The composition and election of a school board of an urban municipality that is elected as provided in subsection 1 or 2 may be changed to that provided in section 29.

R.S.O. 1960, c. 330, s. 32, amended **7.** Section 32 of *The Public Schools Act* is amended by adding thereto the following subsection:

Trustee in office until organization of new board

(2) Every trustee of a school board of an urban municipality shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*.

R.S.O. 1960, c. 361

R.S.O. 1960, c. 330, s. 39, repealed **8.** Section 39 of *The Public Schools Act* is repealed.

R.S.O. 1960, c. 330, s. 40, amended **9.**—(1) Section 40 of *The Public Schools Act* is amended by adding thereto the following subsection:

Time for passing by-law re remaining part of union school section

(5a) Notwithstanding section 17, a by-law may be passed under subsection 5 on or before the 30th day of September.

R.S.O. 1960, c. 330, s. 40, subs. 13, amended

(2) Subsection 13 of the said section 40 is amended by inserting after "which" in the second line "subject to subsection 15", so that the subsection shall read as follows:

SECTION 6. At present, new boards in urban municipalities that are divided into wards must in the first instance be elected by general vote and may later change to election by wards in accordance with the Act. Section 30 is re-enacted to permit new boards in urban municipalities that are divided into wards to be elected by general vote or by wards in the first instance with power to change at a later date in accordance with the Act.

SECTION 7. This provision formerly appeared in subsection 2 of section 27 which is re-enacted. See section 5 of this Bill. The amendment is for clarification.

SECTION 8. The section repealed provides that a municipal clerk is not eligible to be a member of a school board having jurisdiction in the whole or part of the municipality. This provision is transferred to the section dealing with qualification of trustees. See section 2 of this Bill.

SECTION 9—Subsection 1. Where a township school area that is being formed or altered includes part of a union school section, it is necessary to include any remaining part in a new or another school section. The new subsection provides that a by-law with respect to a remaining part may be passed on or before September 30th in the same year as the township school area is formed or altered.

Subsections 2 and 3. At present, a new board of a township school area that is divided into wards must in the first instance be composed of five members elected at large and may later be changed in accordance with the Act to the composition and election provided for an urban school board. The amendments will permit such new boards to be elected at large or by wards in the first instance with power to change at a later date in accordance with the Act.

Subsection 4. At present a by-law establishing a township school area does not come into force until it is approved by the Minister and an order respecting the adjustment of claims has been made. The latter requirement is deleted as the report may be approved or amended later by the Minister.

SECTION 10. The amendments provide for a supplementary report by the referee where the audit following the referee's report reveals a condition that was not known to the referee at the time of his report.

SECTION 11. The amendment provides for an apportionment of the requisition for a township school area comprising territory in two or more municipalities in the year in which the area is formed or altered.

- (13) There shall be a board of public school trustees for every township school area which, subject to subsection 15, shall consist of five members. Board of public school trustees for township school area
- (3) Subsection 15 of the said section 40 is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 40, subs. 15, re-enacted
- (15) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be that provided for a school board of an urban municipality that is divided into wards, provided that any change in the composition and election of the board shall be made in the manner provided in section 31, which section applies *mutatis mutandis*. Where township divided into wards
- (4) Subsection 27 of the said section 40 is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 40, subs. 27, re-enacted
- (27) No by-law passed under this section comes into force until it has been approved by the Minister. Approval of by-law
- 10.**—(1) Subsection 5 of section 42 of *The Public Schools Act* is amended by inserting after "and" in the first line "subject to subsection 5a", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 42, subs. 5, amended
- (5) The Minister may adopt, vary or amend the report and, subject to subsection 5a, his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby. Decision of Minister
- (2) The said section 42 is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 42, amended
- (5a) Where the auditor's annual report for the year in which the by-law establishing, altering or dissolving the township school area was passed reveals a condition that was not evident when the referee made his report, the referee may submit a supplementary report in the manner provided for the original report, and the Minister may adopt, vary or amend the supplementary report, and his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby. Supplementary report
- 11.** Section 43 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 43, amended

on formation  
or alteration

- (1a) In any year in which a township school area comprising territory in two or more municipalities is formed or in which its boundaries are altered, the apportionment of the annual requisition shall be determined in the manner provided in section 55.

R.S.O. 1960,  
c. 330, s. 45,  
subs. 17,  
re-enacted;  
subs. 18,  
repealed

**12.** Subsections 17 and 18 of section 45 of *The Public Schools Act* are repealed and the following substituted therefor:

Term of  
appointment

- (17) The proportion of liability determined by the arbitrators under subsection 13 shall continue in force until it is altered under the provisions of section 55.

R.S.O. 1960,  
c. 330, s. 45,  
subs. 1, 2,  
re-enacted;  
subs. 3,  
repealed

**13.** Subsections 1, 2 and 3 of section 54 of *The Public Schools Act* are repealed and the following substituted therefor:

Application  
of  
R.S.O. 1960,  
c. 249, re  
assets and  
liabilities of  
incorpora-  
tion or  
annexation

- (1) Where a school section is located in whole or in part in an area that becomes incorporated or is annexed to or amalgamated with another municipality, the provisions of sections 12 and 14 of *The Municipal Act* apply with respect to the disposition of assets and liabilities.

Issue of  
debentures  
for rural  
school board

- (2) Subsection 1 of section 65 does not apply to an application by a rural school board for the issue of debentures required under an agreement or an order of the Ontario Municipal Board made under section 12 or 14 of *The Municipal Act*.

R.S.O. 1960,  
c. 330,  
amended

**14.** *The Public Schools Act* is amended by adding thereto the following sections:

Powers of  
board re  
levying of  
rates, etc.

- 58a.—(1) The board of a school section that comprises only territory without municipal organization shall exercise for the territory included in the section the powers and duties of a municipal council with respect to preparing estimates of the sums required during the year, levying rates, collecting taxes and issuing debentures, for public school purposes.

Powers of  
tax collector

- (2) The tax collector appointed by the board for the territory without municipal organization has the same powers as a tax collector in a municipality.

Rates for  
first year  
levied on  
current  
assessment

- 58b. In the first year in which territory without municipal organization is included in a school section, the rates for that year shall be levied on the assessment made in that year.



SECTION 12. The amendment is for the purpose of clarification only.

SECTION 13. The amendments are to remove a conflict between section 54 and the provisions of sections 12 and 14 of *The Municipal Act* with respect to the adjustment of assets and liabilities on incorporation or annexation.

SECTION 14. The amendments are to clarify the powers of the board and the tax collectors in territory without municipal organization with respect to the levying and collecting of rates.

SECTION 15. At present, subsection 1 of section 60 authorizes boards in unorganized territory only to issue debentures for the purchase of a school site and the erection of a school house. The amendment extends the authority to issue debentures to include all permanent improvements as defined in *The Schools Administration Act*.

SECTION 16. Provision is made for the repayment of a debenture debt on the alteration of the boundaries of a school section.

SECTION 17. The new subsection 5 authorizes public school boards in unorganized territory to borrow money for current expenditures until grants and taxes are collected.

**15.** Subsection 1 of section 60 of *The Public Schools Act* is amended by striking out "the purchase of a school site and the erection of a schoolhouse" in the second and third lines and inserting in lieu thereof "permanent improvements", so that the subsection shall read as follows:

- (1) In territory without municipal organization, the board of a school section may issue debentures for permanent improvements for such amounts and for such term of years, not exceeding thirty, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided in *The Municipal Act*, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section.

**16.** Subsections 9 and 10 of section 65 of *The Public Schools Act* are repealed and the following substituted therefor:

- (9) Where there is a debenture debt for public school purposes in a school section when the boundaries of the school section are altered, and property taxable for public school purposes included therein is, by reason of such alteration, attached to another school section, the arbitrators or the referee appointed to adjust rights in respect of such alteration may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the arbitrators or the referee.

**17.** Section 74 of *The Public Schools Act* is amended by adding thereto the following subsection:

- (5) A public school board of a rural school section including only territory without municipal organization may borrow on the promissory note of the board, under its corporate seal, such moneys as may be required to meet maintenance expenditures until legislative grants and taxes are collected, but the amount that may be borrowed in any year,
- (a) shall not exceed 70 per cent of the estimated revenues of the board as set forth in the estimates adopted for the year; and
- (b) at any one time, together with similar borrowings that have not been repaid, shall not

exceed the uncollected balance of the estimated revenues of the board as set forth in the estimates adopted for the year.

R.S.O. 1960,  
c. 330, s. 76,  
amended

**18.** Section 76 of *The Public Schools Act* is amended by adding thereto the following subsections:

Appeal to  
county  
council re  
assenting  
resolution

- (8) Where the council of a municipality in a county passes a by-law for the formation, division, union or alteration of a township school area and requests the council of another municipality that is required to assent thereto to pass such an assenting resolution, and the council of such other municipality refuses or neglects to pass such a resolution within thirty days after the request, the council that passed the by-law may within the next twenty days appeal to the council of the county against the refusal or neglect, and subsections 3, 4, 6 and 7 apply *mutatis mutandis*.

Appeal to  
Minister

- (9) Where the by-law involves land in two or more municipalities in the territorial districts or two or more counties or a city or separated town, the appeal shall be to the Minister, who shall either,

(a) dismiss the appeal; or

- (b) appoint a board of three arbitrators to hear the appeal, and the board, subject to subsection 3 of section 11, shall form, divide, unite or alter the boundaries of the township school area or the school section or sections so far as to settle the matters complained of.

Commence-  
ment

**19.**—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of January, 1963.

Short title

**20.** This Act may be cited as *The Public Schools Amendment Act, 1961-62*.

SECTION 18. The new subsections 8 and 9 provide for an appeal to the county council, or to the Minister where more than one county or a city or separated town are involved, where a municipality refuses or neglects to pass an assenting resolution with respect to the formation or alteration of a township school area.



The Public Schools Act  
An Act to amend

An Act to amend  
The Public Schools Act

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*1st Reading*

March 30th, 1962

*2nd Reading*

April 6th, 1962

*3rd Reading*

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MR. ROBARTS

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(Reprinted as amended by the  
Committee on Education)



# **BILL 142**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

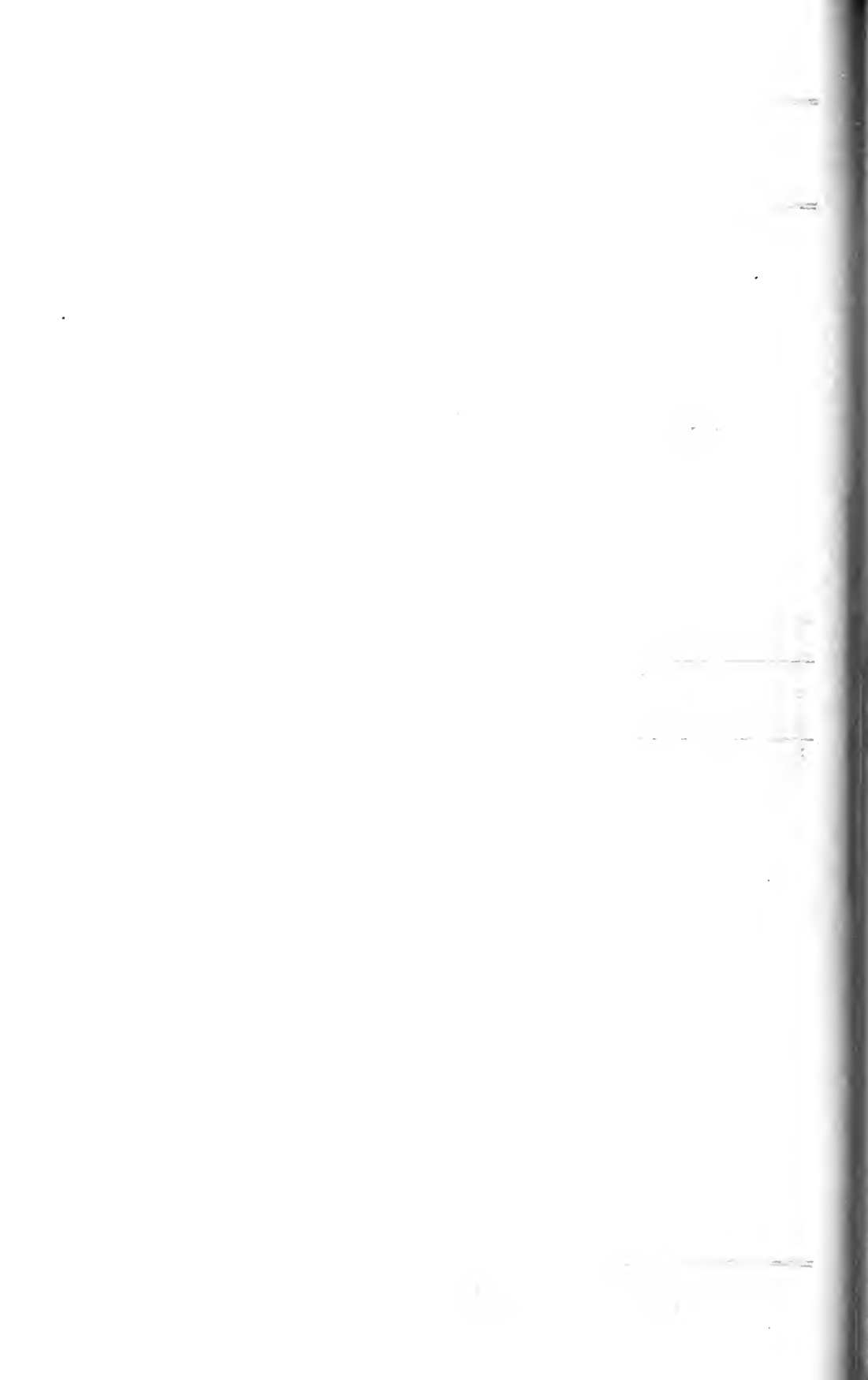
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## **An Act to amend The Public Schools Act**

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**MR. ROBARTS**

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## An Act to amend The Public Schools Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 17 of *The Public Schools Act* is <sup>R.S.O. 1960, c. 330, s. 17, subs. 2, amended</sup> amended by striking out "or a township school area" in the second line and in the third line, so that the subsection shall read as follows:

(2) A by-law of a municipal council to establish a school <sup>Approval of Minister</sup> section or to alter the boundaries of a school section shall not come into force until it has been approved by the Minister.

2. Section 18 of *The Public Schools Act* is repealed and the <sup>R.S.O. 1960, c. 330, s. 18, re-enacted</sup> following substituted therefor:

18.—(1) The public school trustees of a rural school <sup>Rural school trustees to be corporation</sup> section that is not a township area are a corporation by the name of "The Public School Board of School Section No. .... of the Township of ...." (*inserting the number of the school section and the name of the township*).

(2) For every rural school section there shall be three <sup>Trustees, term of office</sup> trustees, each of whom, in rotation, shall, except as herein otherwise provided, hold office for three years and until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. <sup>R.S.O. 1960, c. 361</sup>

(3) A person is qualified to be elected as a trustee who, <sup>Qualifications to be elected trustee</sup>

(a) is a Canadian citizen;

(b) is of the full age of twenty-one years;

(c) is a resident in the school section; and

(d) is a ratepayer in the school section.

**Disqualifi-  
cations**

(4) A person is not qualified to be elected as a trustee,

(a) who is a member of any other elementary or secondary school board or of the council or local board of a municipality in which all or part of the school section is situate, unless before the opening of the nomination meeting he has filed his resignation with the clerk of the other school board or with the clerk of the municipality or local board, as the case may be;

(b) who is the clerk or treasurer of a municipality in which all or part of the school section is situate;

(c) who is the husband or wife of a trustee;

(d) who is otherwise disqualified under this or any other Act; or

(e) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

**Qualification  
to act as  
trustee**

(5) A person is qualified to act as a trustee during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 3 and does not become disqualified under clauses *a* to *d* of subsection 4.

**Persons  
deemed  
ratepayers**

(6) The following persons shall be deemed ratepayers under clause *d* of subsection 3:

(a) the husband or wife of a person assessed in a municipality as actual owner or tenant of land in the school section for an amount sufficient to entitle him or her to vote at municipal elections;

- (b) the son or daughter of a person assessed as the owner of a farm in the school section if he or she is resident on the farm with the assessed owner; and
  - (c) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the school section if he or she resides on the farm with the assessed owner.
- (7) For the purposes of subsection 6, "farm" means not less than twenty acres of land in the actual occupation of the owner thereof. Interpretation

**3.** Subsection 1 of section 21 of *The Public Schools Act* is amended by striking out "that includes part or all of an organized municipality" in the second and third lines, so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 21, subs. 1, amended

- (1) A meeting of the electors of every rural school section except a township school area for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December, or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines, or, in the absence of such resolution, at the schoolhouse of the section. Annual meeting, in rural school sections, when held

**4.** Subsection 1 of section 24 of *The Public Schools Act* is amended by striking out "that includes part or all of an organized municipality" in the second and third lines, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 330, s. 24, subs. 1, amended

- (1) It is the duty of the secretary of a rural school section, except a township school area, Duties of secretary of rural school section:
- . . . . .

**5.** Subsections 2, 3 and 4 of section 27 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 27, subs. 2, re-enacted; subss. 3, 4, repealed

- (2) A person is qualified to be elected as a trustee and to sit and vote as a member of a school board in an urban municipality who, Qualifications of trustees

(a) subject to clause *b*, has the same qualifications as a rural school trustee under subsections 3 to 6 of section 18, which subsections apply *mutatis mutandis*; and

(b) is a ratepayer in the urban municipality and is resident in or within one mile of the urban municipality.

R.S.O. 1960, c. 330, s. 30, re-enacted **6.** Section 30 of *The Public Schools Act* is repealed and the following substituted therefor:

Urban municipality divided into wards

30.—(1) A school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the electors of that ward.

Where five or more wards

(2) A school board of an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the electors of each ward for a term of two years.

Change from election by wards to general vote

(3) The composition and election of a school board of an urban municipality that is elected as provided in subsection 1 or 2 may be changed to that provided in section 29.

R.S.O. 1960, c. 330, s. 32, amended **7.** Section 32 of *The Public Schools Act* is amended by adding thereto the following subsection:

Trustee in office until organization of new board

(2) Every trustee of a school board of an urban municipality shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*.

R.S.O. 1960, c. 361

R.S.O. 1960, c. 330, s. 39, repealed

**8.** Section 39 of *The Public Schools Act* is repealed.

R.S.O. 1960, c. 330, s. 40, amended

**9.**—(1) Section 40 of *The Public Schools Act* is amended by adding thereto the following subsection:

Time for passing by-law re remaining part of union school section

(5a) Notwithstanding section 17, a by-law may be passed under subsection 5 on or before the 30th day of September.

R.S.O. 1960, c. 330, s. 40, subs. 13, amended

(2) Subsection 13 of the said section 40 is amended by inserting after "which" in the second line "subject to subsection 15", so that the subsection shall read as follows:

- (13) There shall be a board of public school trustees for every township school area which, subject to subsection 15, shall consist of five members. Board of public school trustees for township school area
- (3) Subsection 15 of the said section 40 is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 40, subs. 15, re-enacted
- (15) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be that provided for a school board of an urban municipality that is divided into wards, provided that any change in the composition and election of the board shall be made in the manner provided in section 31, which section applies *mutatis mutandis*. Where township divided into wards
- (4) Subsection 27 of the said section 40 is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 40, subs. 27, re-enacted
- (27) No by-law passed under this section comes into force until it has been approved by the Minister. Approval of by-law
- 10.**—(1) Subsection 5 of section 42 of *The Public Schools Act* is amended by inserting after "and" in the first line "subject to subsection 5a", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 42, subs. 5, amended
- (5) The Minister may adopt, vary or amend the report and, subject to subsection 5a, his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby. Decision of Minister
- (2) The said section 42 is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 42, amended
- (5a) Where the auditor's annual report for the year in which the by-law establishing, altering or dissolving the township school area was passed reveals a condition that was not evident when the referee made his report, the referee may submit a supplementary report in the manner provided for the original report, and the Minister may adopt, vary or amend the supplementary report, and his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby. Supplementary report
- 11.** Section 43 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 43, amended

on formation  
or alteration

- (1a) In any year in which a township school area comprising territory in two or more municipalities is formed or in which its boundaries are altered, the apportionment of the annual requisition shall be determined in the manner provided in section 55.

R.S.O. 1960,  
c. 330, s. 45,  
subs. 17,  
re-enacted;  
subs. 18,  
repealed

- 12.** Subsections 17 and 18 of section 45 of *The Public Schools Act* are repealed and the following substituted therefor:

Term of  
appointment

- (17) The proportion of liability determined by the arbitrators under subsection 13 shall continue in force until it is altered under the provisions of section 55.

R.S.O. 1960,  
c. 330, s. 54,  
subs. 1, 2,  
re-enacted;  
subs. 3,  
repealed

- 13.** Subsections 1, 2 and 3 of section 54 of *The Public Schools Act* are repealed and the following substituted therefor:

Application  
of  
R.S.O. 1960,  
c. 249, re  
assets and  
liabilities of  
incorpora-  
tion or  
annexation

- (1) Where a school section is located in whole or in part in an area that becomes incorporated or is annexed to or amalgamated with another municipality, the provisions of sections 12 and 14 of *The Municipal Act* apply with respect to the disposition of assets and liabilities.

Issue of  
debentures  
for rural  
school board

- (2) Subsection 1 of section 65 does not apply to an application by a rural school board for the issue of debentures required under an agreement or an order of the Ontario Municipal Board made under section 12 or 14 of *The Municipal Act*.

R.S.O. 1960,  
c. 330,  
amended

- 14.** *The Public Schools Act* is amended by adding thereto the following sections:

Powers of  
board re  
levying of  
rates, etc.

- 58a.**—(1) The board of a school section that comprises only territory without municipal organization shall exercise for the territory included in the section the powers and duties of a municipal council with respect to preparing estimates of the sums required during the year, levying rates, collecting taxes and issuing debentures, for public school purposes.

Powers of  
tax collector

- (2) The tax collector appointed by the board for the territory without municipal organization has the same powers as a tax collector in a municipality.

Rates for  
first year  
levied on  
current  
assessment

- 58b.** In the first year in which territory without municipal organization is included in a school section, the rates for that year shall be levied on the assessment made in that year.



**15.** Subsection 1 of section 60 of *The Public Schools Act* is amended by striking out "the purchase of a school site and the erection of a schoolhouse" in the second and third lines and inserting in lieu thereof "permanent improvements", so that the subsection shall read as follows:

- (1) In territory without municipal organization, the board of a school section may issue debentures for permanent improvements for such amounts and for such term of years, not exceeding thirty, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided in *The Municipal Act*, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section.

**16.** Subsections 9 and 10 of section 65 of *The Public Schools Act* are repealed and the following substituted therefor:

- (9) Where there is a debenture debt for public school purposes in a school section when the boundaries of the school section are altered, and property taxable for public school purposes included therein is, by reason of such alteration, attached to another school section, the arbitrators or the referee appointed to adjust rights in respect of such alteration may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the arbitrators or the referee.

**17.** Section 74 of *The Public Schools Act* is amended by adding thereto the following subsection:

- (5) A public school board of a rural school section including only territory without municipal organization may borrow on the promissory note of the board, under its corporate seal, such moneys as may be required to meet maintenance expenditures until legislative grants and taxes are collected, but the amount that may be borrowed in any year,
- (a) shall not exceed 70 per cent of the estimated revenues of the board as set forth in the estimates adopted for the year; and
- (b) at any one time, together with similar borrowings that have not been repaid, shall not

exceed the uncollected balance of the estimated revenues of the board as set forth in the estimates adopted for the year.

R.S.O. 1960,  
c. 330, s. 76,  
amended

**18.** Section 76 of *The Public Schools Act* is amended by adding thereto the following subsections:

Appeal to  
county  
council re  
assenting  
resolution

- (8) Where the council of a municipality in a county passes a by-law for the formation, division, union or alteration of a township school area and requests the council of another municipality that is required to assent thereto to pass such an assenting resolution, and the council of such other municipality refuses or neglects to pass such a resolution within thirty days after the request, the council that passed the by-law may within the next twenty days appeal to the council of the county against the refusal or neglect, and subsections 3, 4, 6 and 7 apply *mutatis mutandis*.

Appeal to  
Minister

- (9) Where the by-law involves land in two or more municipalities in the territorial districts or two or more counties or a city or separated town, the appeal shall be to the Minister, who shall either,

(a) dismiss the appeal; or

(b) appoint a board of three arbitrators to hear the appeal, and the board, subject to subsection 3 of section 11, shall form, divide, unite or alter the boundaries of the township school area or the school section or sections so far as to settle the matters complained of.

Commence-  
ment

**19.**—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of January, 1963.

Short title

**20.** This Act may be cited as *The Public Schools Amendment Act, 1961-62*.

The Little People's  
Book of the World

An Act to amend  
The Public Schools Act

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*1st Reading*

March 30th, 1962

*2nd Reading*

April 6th, 1962

*3rd Reading*

April 18th, 1962

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MR. ROBARTS

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# **BILL 143**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Separate Schools Act**

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**MR. ROBARTS**

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#### EXPLANATORY NOTES

SECTION 1. The amendment is complementary to section 5 of this Bill to authorize the election of trustees by wards where a new board is established in an urban municipality divided into wards.

SECTION 2. The new section 21*a* makes the provisions of *The Public Schools Act* with respect to assessment appeals, courts of revision, etc., in unorganized territory applicable with respect to separate schools in unorganized territory.

SECTION 3—Subsection 1. The amendments are to clarify the procedure for the formation of a combined separate school.

BILL 143

1961-62

## An Act to amend The Separate Schools Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 19 of *The Separate Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 368, s. 19,  
amended

(2) Where a meeting is convened to establish a separate school in an urban municipality that is divided into wards, unless at such meeting a motion is passed to elect trustees by wards in accordance with section 36, the trustees shall be elected by general vote. In urban  
municipali-  
ties in  
wards

**2.** *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 368,  
amended

21a. Sections 57 and 58 of *The Public Schools Act* apply *mutatis mutandis* with respect to separate schools in territory without municipal organization. Courts of  
revision,  
assessment  
appeals, etc.  
R.S.O. 1960,  
c. 330

**3.**—(1) Subsection 1 and subsection 2, as re-enacted by section 3 of *The Separate Schools Amendment Act, 1960-61*, of section 32 of *The Separate Schools Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 368, s. 32,  
subss. 1, 2  
(1960-61,  
c. 94, s. 3),  
re-enacted

(1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of uniting the school with one or more other separate schools to form a combined separate school and, where the majority of the supporters of each of two or more separate schools vote in favour of union, the trustees of the board of each separate school to be united shall give notice, before the 1st day of August, to the Minister and the clerks of the municipalities in Formation  
of combined  
separate  
school

which the separate schools are situated, and the combined separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one school on the day of nomination for trustees of the combined separate school.

Trustees

- (1a) Where a combined separate school is formed or where another separate school is added to or detached from a combined separate school, the trustees in office shall retire on the day of nomination for trustees of the combined separate school, and five trustees shall be elected by the supporters of the newly-created or altered combined separate school as provided in section 27.

Corporate name

- (2) The trustees of a combined separate school are a corporation by the name of "The Board of the Combined Roman Catholic Separate Schools of ..... " (*inserting alphabetically the names of the municipalities in which the separate schools of the board are situated and, where there are two or more combined separate schools in the same municipality, adding a number assigned by the inspector*).

First election of trustees

- (2a) For the purpose of electing the first trustees for a combined separate school, the boards of the separate schools forming the combined separate school shall, before the 1st day of December, each appoint a person to a committee, which shall call a meeting of the supporters of the separate schools for the purpose of electing trustees at such time and place as the committee may determine.

R.S.O. 1960,  
c. 368, s. 32,  
subs. 3,  
amended

- (2) Subsection 3 of the said section 32 is amended by adding at the end thereof "and every trustee shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*", so that the subsection shall read as follows:

Term of office

- (3) Of the five trustees elected at the first election, the three trustees receiving the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year, and every trustee shall continue in office until his successor has been elected



Subsections 2 and 3. The amendments are to make it clear that trustees continue in office until a new board is organized after the election of trustees. This will bring *The Separate Schools Act* in line with similar provisions in *The Public Schools Act*.

**SECTION 4.** The new section provides a method of detaching a separate school from a combined separate school.

and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. R.S.O. 1960, c. 361

(3) Subsection 5 of the said section 32 is amended by adding at the end thereof "and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 368, s. 32, subs. 5, amended

(5) After the first election, an election shall be held in each year to fill the office of any trustee whose term of office expires in that year, and the trustee elected shall hold office for two years and until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. Subsequent elections  
R.S.O. 1960, c. 361

4. *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1960, c. 368, amended

32a.—(1) Where a petition of ten heads of families, being householders or freeholders who are supporters of a combined separate school, to detach a separate school from the combined separate school is submitted in any year to the combined separate school board, the board shall provide for a vote on the question within ninety days of the receipt of the petition. Detaching school from combined school

(2) The persons entitled to vote on the question are the supporters of the combined separate school who are heads of families resident closer by road to the school that it is proposed to detach than to any other separate school. Persons entitled to vote

(3) If a majority of the supporters who are entitled to vote on the question vote in favour of detaching the school, it is detached on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school so detached shall be elected as provided in section 27. When school detached

(4) Where a school or schools is or are detached under this section, subsections 2 and 3 of section 34 apply *mutatis mutandis*, except that the combined separate school board and the board or boards of the school or schools detached shall each appoint an arbitrator. Adjustment of assets, etc.

R.S.O. 1960,  
c. 368, s. 36  
(1960-61,  
c. 94, s. 4),  
re-enacted

**5.** Section 36 of *The Separate Schools Act*, as re-enacted by section 4 of *The Separate Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Urban  
municipality  
divided  
into wards

36.—(1) An urban separate school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the separate school supporters of that ward.

Where five  
or more  
wards

(2) An urban separate school board for an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the separate school supporters of that ward for a term of two years.

Change from  
election by  
wards to  
general vote

(3) The composition and election of an urban separate school board that is elected as provided in subsection 1 or 2 may be changed to that provided in section 35.

R.S.O. 1960,  
c. 368, s. 36a  
(1960-61,  
c. 94, s. 4),  
subs. 1,  
re-enacted

**6.** Subsection 1 of section 36a of *The Separate Schools Act*, as enacted by section 4 of *The Separate Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Method of  
changing  
composition  
and election  
of board

(1) The composition and election of an urban separate school board for an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 36 to that provided in any other subsection in that section, provided that the resolution of the board for a change has been submitted to the supporters of the separate schools of the urban municipality and has received the affirmative vote of a majority of the supporters who voted on the resolution.

R.S.O. 1960,  
c. 368, s. 53,  
subs. 1,  
re-enacted

**7.** Subsection 1 of section 53 of *The Separate Schools Act* is repealed and the following substituted therefor:

Notice of  
withdrawal  
of support

(1) A Roman Catholic who desires to withdraw his support from a separate school shall give notice thereof in writing, on or before the 30th day of September,

(a) where the separate school is situated in a municipality, to the clerk of the municipality;  
or

(b) where the separate school is situated in territory without municipal organization,

SECTION 5. At present, new boards in urban municipalities that are divided into wards must in the first instance be elected by general vote and may later change to election by wards in accordance with the Act. Section 36 is re-enacted to permit new boards in urban municipalities that are divided into wards to be elected by general vote or by wards in the first instance with power to change at a later date in accordance with the Act.

SECTION 6. The amendment is complementary to section 5 of this Bill.

SECTION 7. The amendment provides for the withdrawal of support from a separate school where the supporter is resident in territory without municipal organization and also changes the date before which notice may be given from July 15th to the 30th day of September to conform with the time for the return of the assessment roll.

SECTION 8. The new section provides for an apportionment of the separate school levy, where the supporters are from two or more municipalities, similar to that provided in *The Public Schools Act*.

- (i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or
- (ii) if he does not reside in a school section, to the secretary of the separate school board;

otherwise he shall be deemed to be a supporter of the separate school.

**8. *The Separate Schools Act*** is amended by adding thereto the following section: R.S.O. 1960,  
c. 368,  
amended

**59b.—**(1) Where the supporters of a separate school reside in two or more municipalities, the secretary of the board shall, Apportion-  
ment of  
costs

- (a) in the year in which the separate school is established or formed; or
- (b) where there are supporters of the separate school resident in a municipality other than a municipality in respect of which the last apportionment was made; or
- (c) where the amount of the assessment in one municipality for the purposes of the separate school has increased or decreased by at least 10 per cent of the amount of its assessment at the date of the last apportionment; or
- (d) where, since the last apportionment, the sum of the percentage increase of the assessment for the purposes of the separate school in one municipality and of the percentage decrease of the assessment for the purposes of the separate school in another municipality is at least 10,

and in any case,

- (e) in each year that is divisible evenly by 5, before the 1st day of October, notify the assessors of the municipalities in respect of which an apportionment is to be made, and the assessors shall, before the 1st day of December, meet and determine what portion of the annual sum to be raised for the purposes of the separate school shall be levied upon and collected from the supporters in each municipality, provided that, upon the recommendation of

at least one-half of the assessors and with the approval of the Minister, an apportionment may be made in any year.

Calling of  
meeting

- (2) The meeting of the assessors shall be called by the secretary of the board.

Where more  
than one  
assessor

- (3) Where there are more assessors in a municipality than one, the head of the municipal corporation shall name the assessor who shall act.

Notice of  
determina-  
tion

- (4) Notice of the determination of the assessors shall be given forthwith to the secretary of the board, the clerk of each municipality concerned and the separate school inspector.

Arbitration  
where  
assessors do  
not reach  
decision

- (5) If the assessors do not reach a decision on or before the 1st day of December, the separate school inspector and the assessors shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December.

Duration of  
decision

- (6) The decision of a majority of the arbitrators is final until the next apportionment takes effect.

Correction of  
errors in  
award

- (7) The assessors or, in the case of an arbitration, the arbitrators, on the request in writing of the separate school inspector or of five supporters of the separate school may, within thirty days after the report of the determination or award to the secretary of the board, correct any omission or error in the terms in which the determination or award is expressed.

Costs

- (8) The cost of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1.

Apportion-  
ment in 1962

- (9) An apportionment shall be made under this section in the year 1962 for the purposes of taxation in the year 1963 in respect of each separate school the supporters of which reside in two or more municipalities.

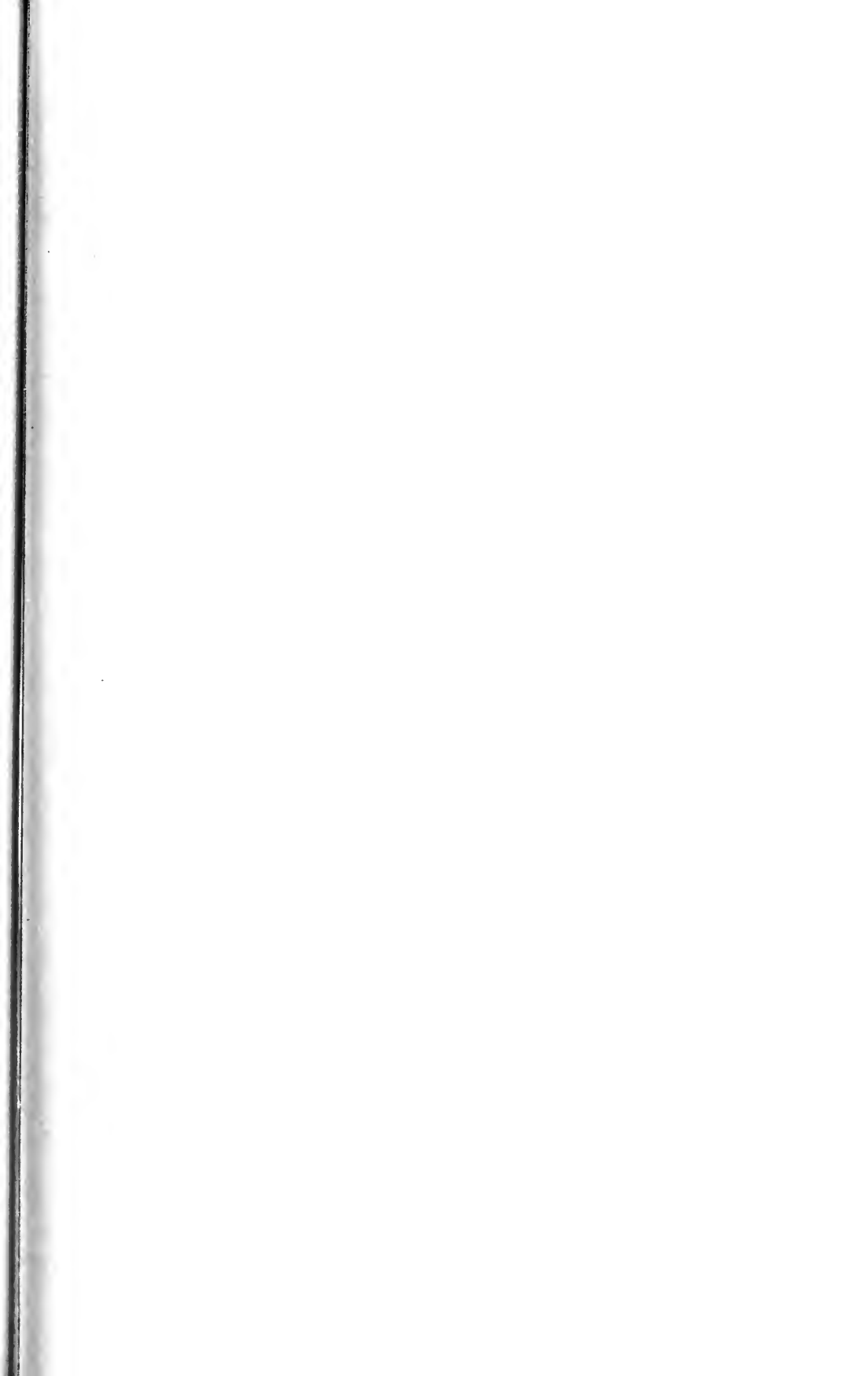
Commence-  
ment

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**10.** This Act may be cited as *The Separate Schools Amendment Act, 1961-62*.







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An Act to amend  
The Separate Schools Act

*1st Reading*

March 30th, 1962

*2nd Reading*

*3rd Reading*

MR. ROBARTS

# **BILL 143**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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## **An Act to amend The Separate Schools Act**

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MR. ROBARTS

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*(Reprinted as amended by the Committee on Education)*

#### EXPLANATORY NOTES

SECTION 1. The amendment is complementary to section 5 of this Bill to authorize the election of trustees by wards where a new board is established in an urban municipality divided into wards.

SECTION 2. The new section 21a makes the provisions of *The Public Schools Act* with respect to assessment appeals, courts of revision, etc., in unorganized territory applicable with respect to separate schools in unorganized territory.

SECTION 3. Self-explanatory.

SECTION 4—Subsection 1. The amendments are to clarify the procedure for the formation of a combined separate school.

BILL 143

1961-62

## An Act to amend The Separate Schools Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 19 of *The Separate Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 368, s. 19,  
amended

- (2) Where a meeting is convened to establish a separate school in an urban municipality that is divided into wards, unless at such meeting a motion is passed to elect trustees by wards in accordance with section 36, the trustees shall be elected by general vote. In urban  
municipali-  
ties in  
wards

**2.** *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 368,  
amended

- 21a. Sections 57 and 58 of *The Public Schools Act* apply *mutatis mutandis* with respect to separate schools in territory without municipal organization. Courts of  
revision,  
assessment  
appeals, etc.  
R.S.O. 1960,  
c. 330

**3.** Section 25 of *The Separate Schools Act* is amended by striking out "British subject" in the first line and inserting in lieu thereof "Canadian citizen", so that the section shall read as follows: R.S.O. 1960,  
c. 368, s. 25,  
amended

25. Any person being a Canadian citizen not less than twenty-one years of age may be elected as a trustee whether he is or is not a householder or freeholder. Trustees'  
qualifica-  
tions

**4.—(1)** Subsection 1 and subsection 2, as re-enacted by section 3 of *The Separate Schools Amendment Act, 1960-61*, of section 32 of *The Separate Schools Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 368, s. 32,  
subss. 1, 2  
(1960-61,  
c. 94, s. 3),  
re-enacted

- (1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of uniting the Formation  
of combined  
separate  
school

school with one or more other separate schools to form a combined separate school and, where the majority of the supporters of each of two or more separate schools vote in favour of union, the trustees of the board of each separate school to be united shall give notice, before the 1st day of August, to the Minister and the clerks of the municipalities in which the separate schools are situated, and the combined separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one school on the day of nomination for trustees of the combined separate school.

## Trustees

- (1a) Where a combined separate school is formed or where another separate school is added to or detached from a combined separate school, the trustees in office shall retire on the day of nomination for trustees of the combined separate school, and five trustees shall be elected by the supporters of the newly-created or altered combined separate school as provided in section 27.

## Corporate name

- (2) The trustees of a combined separate school are a corporation by the name of "The Board of the Combined Roman Catholic Separate Schools of ..... " (*inserting alphabetically the names of the municipalities in which the separate schools of the board are situated and, where there are two or more combined separate schools in the same municipality, adding a number assigned by the inspector*).

## First election of trustees

- (2a) For the purpose of electing the first trustees for a combined separate school, the boards of the separate schools forming the combined separate school shall, before the 1st day of December, each appoint a person to a committee, which shall call a meeting of the supporters of the separate schools for the purpose of electing trustees at such time and place as the committee may determine.

R.S.O. 1960,  
c. 368, s. 32,  
subs. 3,  
amended

- (2) Subsection 3 of the said section 32 is amended by adding at the end thereof "and every trustee shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*", so that the subsection shall read as follows:



Subsections 2 and 3. The amendments are to make it clear that trustees continue in office until a new board is organized after the election of trustees. This will bring *The Separate Schools Act* in line with similar provisions in *The Public Schools Act*.

SECTION 5. The new section provides a method of detaching a separate school from a combined separate school.

- (3) Of the five trustees elected at the first election, the three trustees receiving the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year, and every trustee shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. Term of office  
R.S.O. 1960,  
c. 361

(3) Subsection 5 of the said section 32 is amended by adding at the end thereof "and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960,  
c. 368, s. 32,  
subs. 5,  
amended

- (5) After the first election, an election shall be held in each year to fill the office of any trustee whose term of office expires in that year, and the trustee elected shall hold office for two years and until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. Subsequent elections  
R.S.O. 1960,  
c. 361

**5. *The Separate Schools Act*** is amended by adding thereto the following section: R.S.O. 1960,  
c. 368,  
amended

- 32a.—(1) Where a petition of ten heads of families, being householders or freeholders who are supporters of a combined separate school, to detach a separate school from the combined separate school is submitted in any year to the combined separate school board, the board shall provide for a vote on the question within ninety days of the receipt of the petition. Detaching school from combined school
- (2) The persons entitled to vote on the question are the supporters of the combined separate school who are heads of families resident closer by road to the school that it is proposed to detach than to any other separate school. Persons entitled to vote
- (3) If a majority of the supporters who are entitled to vote on the question vote in favour of detaching the school, it is detached on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school so detached shall be elected as provided in section 27. When school detached

Adjustment  
of assets,  
etc.

- (4) Where a school or schools is or are detached under this section, subsections 2 and 3 of section 34 apply *mutatis mutandis*, except that the combined separate school board and the board or boards of the school or schools detached shall each appoint an arbitrator.

R.S.O. 1960,  
c. 368, s. 36  
(1960-61,  
c. 94, s. 4),  
re-enacted

6. Section 36 of *The Separate Schools Act*, as re-enacted by section 4 of *The Separate Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Urban  
municipality  
divided  
into wards

- 36.—(1) An urban separate school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the separate school supporters of that ward.

Where five  
or more  
wards

- (2) An urban separate school board for an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the separate school supporters of that ward for a term of two years.

Change from  
election by  
wards to  
general vote

- (3) The composition and election of an urban separate school board that is elected as provided in subsection 1 or 2 may be changed to that provided in section 35.

R.S.O. 1960,  
c. 368, s. 36a  
(1960-61,  
c. 94, s. 4),  
subs. 1,  
re-enacted

7. Subsection 1 of section 36a of *The Separate Schools Act*, as enacted by section 4 of *The Separate Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Method of  
changing  
composition  
and election  
of board

- (1) The composition and election of an urban separate school board for an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 36 to that provided in any other subsection in that section, provided that the resolution of the board for a change has been submitted to the supporters of the separate schools of the urban municipality and has received the affirmative vote of a majority of the supporters who voted on the resolution.

R.S.O. 1960,  
c. 368, s. 53,  
subs. 1,  
re-enacted

8. Subsection 1 of section 53 of *The Separate Schools Act* is repealed and the following substituted therefor:

Notice of  
withdrawal  
of support

- (1) A Roman Catholic who desires to withdraw his support from a separate school shall give notice thereof in writing, on or before the 30th day of September,

**SECTION 6.** At present, new boards in urban municipalities that are divided into wards must in the first instance be elected by general vote and may later change to election by wards in accordance with the Act. Section 36 is re-enacted to permit new boards in urban municipalities that are divided into wards to be elected by general vote or by wards in the first instance with power to change at a later date in accordance with the Act.

**SECTION 7.** The amendment is complementary to section 6 of this Bill.

**SECTION 8.** The amendment provides for the withdrawal of support from a separate school where the supporter is resident in territory without municipal organization and also changes the date before which notice may be given from July 15th to the 30th day of September to conform with the time for the return of the assessment roll.

SECTION 9. The new section provides for an apportionment of the separate school levy, where the supporters are from two or more municipalities, similar to that provided in *The Public Schools Act*.

- (a) where the separate school is situated in a municipality, to the clerk of the municipality; or
- (b) where the separate school is situated in territory without municipal organization,
  - (i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or
  - (ii) if he does not reside in a school section, to the secretary of the separate school board;

otherwise he shall be deemed to be a supporter of the separate school.

**9.** *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1960.  
c. 368  
amended

**59b.**—(1) Where the supporters of a separate school reside in two or more municipalities, the secretary of the board shall, Apportion-  
ment of  
costs

- (a) in the year in which the separate school is established or formed; or
- (b) where there are supporters of the separate school resident in a municipality other than a municipality in respect of which the last apportionment was made; or
- (c) where the amount of the assessment in one municipality for the purposes of the separate school has increased or decreased by at least 10 per cent of the amount of its assessment at the date of the last apportionment; or
- (d) where, since the last apportionment, the sum of the percentage increase of the assessment for the purposes of the separate school in one municipality and of the percentage decrease of the assessment for the purposes of the separate school in another municipality is at least 10,

and in any case,

- (e) in each year that is divisible evenly by 5,

before the 1st day of October, notify the assessors of the municipalities in respect of which an apportionment is to be made, and the assessors shall, before the 1st day of December, meet and determine what portion of the annual sum to be raised for the purposes of the separate school shall be levied upon and collected from the supporters in each municipality, provided that, upon the recommendation of at least one-half of the assessors and with the approval of the Minister, an apportionment may be made in any year.

Calling of  
meeting

- (2) The meeting of the assessors shall be called by the secretary of the board.

Where more  
than one  
assessor

- (3) Where there are more assessors in a municipality than one, the head of the municipal corporation shall name the assessor who shall act.

Notice of  
determina-  
tion

- (4) Notice of the determination of the assessors shall be given forthwith to the secretary of the board, the clerk of each municipality concerned and the separate school inspector.

Arbitration  
where  
assessors do  
not reach  
decision

- (5) If the assessors do not reach a decision on or before the 1st day of December, the separate school inspector and the assessors shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December.

Duration of  
decision

- (6) The decision of a majority of the arbitrators is final until the next apportionment takes effect.

Correction of  
errors in  
award

- (7) The assessors or, in the case of an arbitration, the arbitrators, on the request in writing of the separate school inspector or of five supporters of the separate school may, within thirty days after the report of the determination or award to the secretary of the board, correct any omission or error in the terms in which the determination or award is expressed.

Costs

- (8) The cost of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1.

Apportion-  
ment in 1962

- (9) An apportionment shall be made under this section in the year 1962 for the purposes of taxation in the year 1963 in respect of each separate school the supporters of which reside in two or more municipalities.

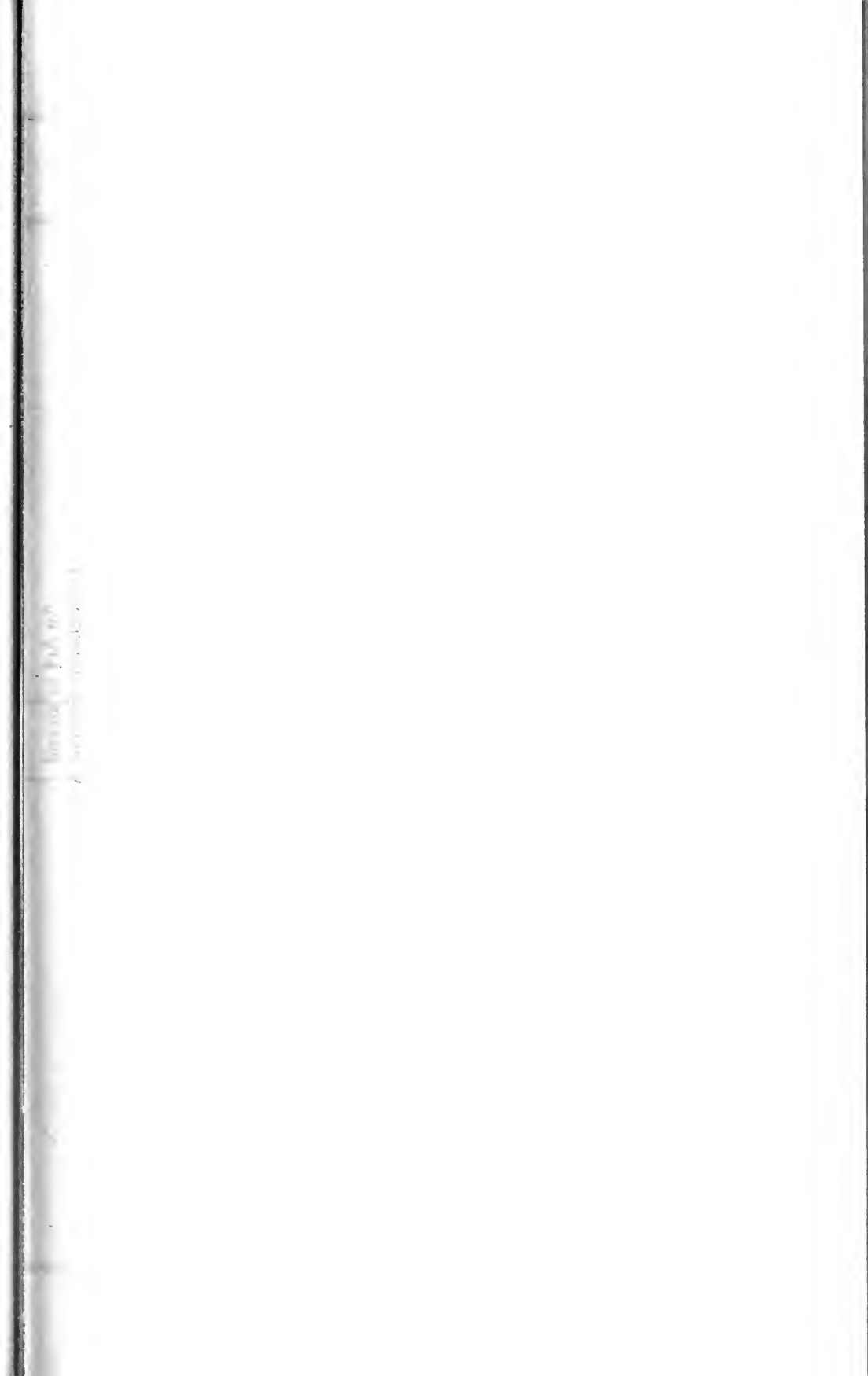


**10.**—(1) This Act, except section 3, comes into force on <sup>Commence-</sup>the day it receives Royal Assent.  
ment

(2) Section 3 comes into force on the 1st day of January, <sup>Idem</sup>  
1963.

**11.** This Act may be cited as *The Separate Schools Amend-* <sup>Short title</sup>  
*ment Act, 1961-62.*





An Act to amend  
The Separate Schools Act

*1st Reading*

March 30th, 1962

*2nd Reading*

April 6th, 1962

*3rd Reading*

MR. ROBARTS

(Reprinted as amended by the  
Committee on Education)

# **BILL 143**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Separate Schools Act**

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**MR. ROBARTS**

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BILL 143

1961-62

## An Act to amend The Separate Schools Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 19 of *The Separate Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 368, s. 19,  
amended

(2) Where a meeting is convened to establish a separate school in an urban municipality that is divided into wards, unless at such meeting a motion is passed to elect trustees by wards in accordance with section 36, the trustees shall be elected by general vote. In urban  
municipali-  
ties in  
wards

**2.** *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 368,  
amended

**21a.** Sections 57 and 58 of *The Public Schools Act* apply *mutatis mutandis* with respect to separate schools in territory without municipal organization. Courts of  
revision,  
assessment  
appeals, etc.  
R.S.O. 1960,  
c. 330

**3.** Section 25 of *The Separate Schools Act* is amended by striking out "British subject" in the first line and inserting in lieu thereof "Canadian citizen", so that the section shall read as follows: R.S.O. 1960,  
c. 368, s. 25,  
amended

**25.** Any person being a Canadian citizen not less than twenty-one years of age may be elected as a trustee whether he is or is not a householder or freeholder. Trustees'  
qualifica-  
tions

**4.—(1)** Subsection 1 and subsection 2, as re-enacted by section 3 of *The Separate Schools Amendment Act, 1960-61*, of section 32 of *The Separate Schools Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 368, s. 32,  
subss. 1, 2  
(1960-61,  
c. 94, s. 3),  
re-enacted

(1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of uniting the Formation  
of combined  
separate  
school

school with one or more other separate schools to form a combined separate school and, where the majority of the supporters of each of two or more separate schools vote in favour of union, the trustees of the board of each separate school to be united shall give notice, before the 1st day of August, to the Minister and the clerks of the municipalities in which the separate schools are situated, and the combined separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one school on the day of nomination for trustees of the combined separate school.

**Trustees**

- (1a) Where a combined separate school is formed or where another separate school is added to or detached from a combined separate school, the trustees in office shall retire on the day of nomination for trustees of the combined separate school, and five trustees shall be elected by the supporters of the newly-created or altered combined separate school as provided in section 27.

**Corporate name**

- (2) The trustees of a combined separate school are a corporation by the name of "The Board of the Combined Roman Catholic Separate Schools of ..... " (*inserting alphabetically the names of the municipalities in which the separate schools of the board are situated and, where there are two or more combined separate schools in the same municipality, adding a number assigned by the inspector*).

**First election of trustees**

- (2a) For the purpose of electing the first trustees for a combined separate school, the boards of the separate schools forming the combined separate school shall, before the 1st day of December, each appoint a person to a committee, which shall call a meeting of the supporters of the separate schools for the purpose of electing trustees at such time and place as the committee may determine.

**R.S.O. 1960,  
c. 368, s. 32,  
subs. 3,  
amended**

- (2) Subsection 3 of the said section 32 is amended by adding at the end thereof "and every trustee shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*", so that the subsection shall read as follows:



- (3) Of the five trustees elected at the first election, the three trustees receiving the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year, and every trustee shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. Term of office  
R.S.O. 1960,  
c. 361

(3) Subsection 5 of the said section 32 is amended by adding at the end thereof "and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960,  
c. 368, s. 32,  
subs. 5,  
amended

- (5) After the first election, an election shall be held in each year to fill the office of any trustee whose term of office expires in that year, and the trustee elected shall hold office for two years and until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. Subsequent elections  
R.S.O. 1960,  
c. 361

**5. *The Separate Schools Act*** is amended by adding thereto the following section: R.S.O. 1960,  
c. 368,  
amended

**32a.**—(1) Where a petition of ten heads of families, being householders or freeholders who are supporters of a combined separate school, to detach a separate school from the combined separate school is submitted in any year to the combined separate school board, the board shall provide for a vote on the question within ninety days of the receipt of the petition. Detaching school from combined school

- (2) The persons entitled to vote on the question are the supporters of the combined separate school who are heads of families resident closer by road to the school that it is proposed to detach than to any other separate school. Persons entitled to vote
- (3) If a majority of the supporters who are entitled to vote on the question vote in favour of detaching the school, it is detached on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school so detached shall be elected as provided in section 27. When school detached

Adjustment  
of assets,  
etc.

- (4) Where a school or schools is or are detached under this section, subsections 2 and 3 of section 34 apply *mutatis mutandis*, except that the combined separate school board and the board or boards of the school or schools detached shall each appoint an arbitrator.

R.S.O. 1960,  
c. 368, s. 36  
(1960-61,  
c. 94, s. 4),  
re-enacted

6. Section 36 of *The Separate Schools Act*, as re-enacted by section 4 of *The Separate Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Urban  
municipality  
divided  
into wards

- 36.—(1) An urban separate school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the separate school supporters of that ward.

Where five  
or more  
wards

- (2) An urban separate school board for an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the separate school supporters of that ward for a term of two years.

Change from  
election by  
wards to  
general vote

- (3) The composition and election of an urban separate school board that is elected as provided in subsection 1 or 2 may be changed to that provided in section 35.

R.S.O. 1960,  
c. 368, s. 36a  
(1960-61,  
c. 94, s. 4),  
subs. 1,  
re-enacted

7. Subsection 1 of section 36a of *The Separate Schools Act*, as enacted by section 4 of *The Separate Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Method of  
changing  
composition  
and election  
of board

- (1) The composition and election of an urban separate school board for an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 36 to that provided in any other subsection in that section, provided that the resolution of the board for a change has been submitted to the supporters of the separate schools of the urban municipality and has received the affirmative vote of a majority of the supporters who voted on the resolution.

R.S.O. 1960,  
c. 368, s. 53,  
subs. 1,  
re-enacted

8. Subsection 1 of section 53 of *The Separate Schools Act* is repealed and the following substituted therefor:

Notice of  
withdrawal  
of support

- (1) A Roman Catholic who desires to withdraw his support from a separate school shall give notice thereof in writing, on or before the 30th day of September,

- (a) where the separate school is situated in a municipality, to the clerk of the municipality;  
or
- (b) where the separate school is situated in territory without municipal organization,
  - (i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or
  - (ii) if he does not reside in a school section, to the secretary of the separate school board;

otherwise he shall be deemed to be a supporter of the separate school.

9. *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 368,  
amended

59b.—(1) Where the supporters of a separate school reside in two or more municipalities, the secretary of the board shall, Apportion-  
ment of  
costs

- (a) in the year in which the separate school is established or formed; or
- (b) where there are supporters of the separate school resident in a municipality other than a municipality in respect of which the last apportionment was made; or
- (c) where the amount of the assessment in one municipality for the purposes of the separate school has increased or decreased by at least 10 per cent of the amount of its assessment at the date of the last apportionment; or
- (d) where, since the last apportionment, the sum of the percentage increase of the assessment for the purposes of the separate school in one municipality and of the percentage decrease of the assessment for the purposes of the separate school in another municipality is at least 10,

and in any case,

- (e) in each year that is divisible evenly by 5,

before the 1st day of October, notify the assessors of the municipalities in respect of which an apportionment is to be made, and the assessors shall, before the 1st day of December, meet and determine what portion of the annual sum to be raised for the purposes of the separate school shall be levied upon and collected from the supporters in each municipality, provided that, upon the recommendation of at least one-half of the assessors and with the approval of the Minister, an apportionment may be made in any year.

Calling of  
meeting

- (2) The meeting of the assessors shall be called by the secretary of the board.

Where more  
than one  
assessor

- (3) Where there are more assessors in a municipality than one, the head of the municipal corporation shall name the assessor who shall act.

Notice of  
determina-  
tion

- (4) Notice of the determination of the assessors shall be given forthwith to the secretary of the board, the clerk of each municipality concerned and the separate school inspector.

Arbitration  
where  
assessors do  
not reach  
decision

- (5) If the assessors do not reach a decision on or before the 1st day of December, the separate school inspector and the assessors shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December.

Duration of  
decision

- (6) The decision of a majority of the arbitrators is final until the next apportionment takes effect.

Correction of  
errors in  
award

- (7) The assessors or, in the case of an arbitration, the arbitrators, on the request in writing of the separate school inspector or of five supporters of the separate school may, within thirty days after the report of the determination or award to the secretary of the board, correct any omission or error in the terms in which the determination or award is expressed.

Costs

- (8) The cost of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1.

Apportion-  
ment in 1962

- (9) An apportionment shall be made under this section in the year 1962 for the purposes of taxation in the year 1963 in respect of each separate school the supporters of which reside in two or more municipalities.

**10.**—(1) This Act, except section 3, comes into force on <sup>Commence-</sup>the day it receives Royal Assent.  
<sub>ment</sub>

(2) Section 3 comes into force on the 1st day of January, <sup>Idem</sup>1963.

**11.** This Act may be cited as *The Separate Schools Amend-* <sup>Short title</sup>  
*ment Act, 1961-62.*



13/10/1911

An Act to amend  
The Separate Schools Act

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*1st Reading*

March 30th, 1962

*2nd Reading*

April 6th, 1962

*3rd Reading*

April 18th, 1962

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Mr. ROBARTS

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# **BILL 144**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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## **An Act to amend The Insurance Act**

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MR. ROBERTS

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## EXPLANATORY NOTES

GENERAL: Section 4 of this Bill contains a revision of the Life Insurance Part of *The Insurance Act*. It was prepared and is recommended for enactment in all common law provinces by the Association of Provincial Superintendents of Insurance.

Most of the changes are for clarification and simplification only and involve no change in principle.

The most important change in principle is the omission of the provision for the designation of preferred beneficiaries and the statutory trust thereby created and the substitution of a new provision for the irrevocable designation of a beneficiary, which of course can be changed with the consent of the beneficiary. However, no change is made in the protection given to beneficiaries against creditors of the insured. Also, the right of a beneficiary to enforce payment directly to him is preserved.

The other changes in principle include the widening of the definition of insurable interest and the elimination of limitations on amounts of insurance on lives of children.

Sections 1 to 3 and 7 of this Bill contain other provisions with respect to life insurance.

Sections 5 and 6 contain amendments to bring *The Insurance Act* into line with current amendments to *The Highway Traffic Act* (Bill 147) and *The Motor Vehicle Accident Claims Act, 1961-62* (Bill 124).

SECTION 1—Subsection 1. Paragraph 1a replaces the present definition of "double indemnity insurance"—see note to subsection 3. The name "accidental death insurance" reflects more accurately than "double indemnity insurance", the nature of this type of insurance. Also, this change is necessary because the present limit of the amount of such additional insurance to the amount of the primary benefit has been deleted. The limitation in the present definition to insurance of more than one year's duration has also been deleted.

Subsection 2. As in the case of the definition of "accidental death insurance", the limitation respecting the duration of the benefit has been deleted.

Subsection 3. The present paragraph 17 defines "double indemnity insurance" for which the term "accidental death insurance" is substituted.

Subsection 4. The words in the present definition stipulating that "benefits may be paid only to its (the society's) members or their beneficiaries" have been omitted to make it clear that a society may issue a type of insurance, e.g., family insurance, under which benefits may be paid to non-members.

Subsection 5. The present definition has been simplified and also clause (c) has been added to cover endowments and annuities for a term of years.

## BILL 144

1961-62

## An Act to amend The Insurance Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—**(1) Section 1 of *The Insurance Act* is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 190, s. 1,  
amended

1a. "accidental death insurance" means insurance undertaken by an insurer as part of a contract of life insurance whereby the insurer undertakes to pay an additional amount of insurance money in the event of the death by accident of the person whose life is insured.

(2) Paragraph 16 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190, s. 1,  
par. 16,  
re-enacted

16. "disability insurance" means insurance undertaken by an insurer as part of a contract of life insurance whereby the insurer undertakes to pay insurance money or to provide other benefits in the event that the person whose life is insured becomes disabled as a result of bodily injury or disease.

(3) Paragraph 17 of the said section 1 is repealed. R.S.O. 1960,  
c. 190, s. 1,  
par. 17,  
repealed

(4) Paragraph 24 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190, s. 1,  
par. 24,  
re-enacted

24. "fraternal society" means a society, order or association incorporated for the purpose of making with its members only, and not for profit, contracts of life, accident or sickness insurance in accordance with its constitution, by-laws and rules and this Act.

(5) Paragraph 36 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190, s. 1,  
par. 36,  
re-enacted

36. "life insurance" means insurance whereby an insurer undertakes to pay insurance money,

- (a) on death; or
- (b) on the happening of an event or contingency dependent on human life; or
- (c) at a fixed or determinable future time; or
- (d) for a term dependent on human life,

and, without restricting the generality of the foregoing, includes accidental death insurance but not accident insurance.

R.S.O. 1960,  
c. 190, s. 26,  
re-enacted

2. Section 26 of *The Insurance Act* is repealed and the following substituted therefor:

Scope of life  
insurance  
licence

26. Every insurer licensed for the transaction of life insurance may, under the authority of its licence, unless the licence expressly provides otherwise,

- (a) include in any policy of life insurance, in respect of the same life or lives insured thereby, disability insurance and accidental death insurance; and
- (b) transact annuities of all kinds and insurance providing for the establishment of accumulation or endowment funds.

R.S.O. 1960,  
c. 190,  
amended

3. *The Insurance Act* is amended by adding thereto the following section:

Separate  
fund  
required

80a.—(1) Where an insurer incorporated and licensed for the transaction of life insurance under the law of Ontario in the exercise of its powers issues policies such that the reserves therefor to be included in the annual statement pursuant to section 76 vary in amount depending upon the market value of a specified group of assets, the insurer shall maintain in respect of such policies one or more separate and distinct funds with separate assets for each such fund.

How  
separate  
fund may  
be created

(2) This fund or these funds may be created by the insurer, if duly authorized by by-law, by transfers from the shareholders' fund or, if duly authorized by a special general meeting of the insurer, by transfers from the life insurance funds, but the aggregate of all transfers for this purpose shall not exceed \$100,000.

SECTION 2. In clause *a*, cognizance is taken of the new definition of "accidental death insurance" in the new Part V of *The Insurance Act*. Clause *b* substitutes for the present expression "annuities and endowments of all kinds" broader expressions used in the federal Insurance Acts.

SECTION 3. These provisions establish the methods by which insurance companies may provide for variable annuities.

The provisions are similar to provisions in the *Canadian and British Insurance Companies Act* (Canada).

SECTION 4. Part V (Life Insurance) of the Act is redrafted. See the following notes for explanations:

Section 137 (a) is necessary because the reference to an application in section 149 applies to reinstatements by virtue of section 155 (4).

Section 137 (b) is similar to present section 137¶3 except that it excludes the insured and his personal representatives. Personal representatives may, however, be designated to receive insurance money—see section 156 (1).

- (3) Where a separate and distinct fund with separate assets is maintained pursuant to subsection 1, the assets of the fund so maintained are available only to meet the liabilities arising under policies in respect of which that fund is maintained and are not liable for the payment of claims arising from any other policies; but any assets that remain in any such fund after the discharge of all of the insurer's liabilities in respect of the policies for which that fund is maintained may be transferred to such other fund as the directors determine. Segregation of assets
- (4) Where the policies in respect of which a separate and distinct fund with separate assets is maintained are such that the reserves therefor to be included in the annual statement pursuant to section 76 vary in amount depending upon the market value of the assets of the fund, the percentage limits specified in subsections 7 and 8 of section 208 of *The Corporations Act* do not apply to the investments and loans constituting the assets of the fund, and in the application of those limits to the insurer as a whole the assets of any such separate fund shall not be taken into account. Exception from investment limitations  
R.S.O. 1960, c. 71
- (5) Except as required in subsection 4, where a separate and distinct fund with separate assets is maintained by an insurer, the percentage limits specified in subsections 4, 7 and 8 of section 208 of *The Corporations Act* apply to the investments and loans constituting the assets of the fund as if those assets were the total assets of the insurer. Investment limitations

4. Part V of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 190, Part V (ss. 137-190), re-enacted; (ss. 191-197), repealed

## PART V

### LIFE INSURANCE

#### INTERPRETATION

137. In this Part,

Interpretation

- (a) "application" means an application for insurance or for the reinstatement of insurance;
- (b) "beneficiary" means a person, other than the insured or his personal representative, to whom or for whose benefit insurance money is made payable in a contract or by a declaration;

- (c) "contract" means a contract of life insurance;
- (d) "court" means the Supreme Court or a judge thereof;
- (e) "creditor's group insurance" means insurance effected by a creditor in respect of the lives of his debtors whereby the lives of the debtors are insured severally under a single contract;
- (f) "declaration" means an instrument signed by the insured,
  - (i) with respect to which an endorsement is made on the policy, or
  - (ii) that identifies the contract, or
  - (iii) that describes the insurance or insurance fund or a part thereof,
 in which he designates, or alters or revokes the designation of, his personal representative or a beneficiary as one to whom or for whose benefit insurance money is to be payable;
- (g) "family insurance" means insurance whereby the lives of the insured and one or more persons related to him by blood, marriage or adoption are insured under a single contract between an insurer and the insured;
- (h) "group insurance" means insurance, other than creditor's group insurance and family insurance, whereby the lives of a number of persons are insured severally under a single contract between an insurer and an employer or other person;
- (i) "group life insured" means a person whose life is insured by a contract of group insurance but does not include a person whose life is insured under the contract as a person dependent upon, or related to, him;
- (j) "instrument" includes a will;
- (k) "insurance" means life insurance;
- (l) "insured",
  - (i) in the case of group insurance, means, in the provisions of this Part relating to the designation of beneficiaries and the rights and status of beneficiaries, the group life insured, and



Section 137 (c) differs from present section 137¶5 which also defines the expressions "contract of insurance" and "contract of life insurance". Only the word "contract" is used in the revised Part. Also, the reference to "any other contract which an insurer may issue under the authority of a licence to transact life insurance", which ties section 26 into this Part, has been replaced by the addition of apt words describing endowments and annuities in the revised definition of "life insurance".

Section 137 (d) is the same as present section 137¶6. The definition of "judge" in present section 137¶17 is unnecessary.

Section 137 (e) is similar to present section 137¶7.

Section 137 (f)—Present section 137¶8 has been redrafted but no change in principle is intended. The special reference to a personal representative following subclause (iii) is necessary because such a representative is excluded from the definition of beneficiary in clause (b).

Section 137 (g) is new. It is necessary because this type of insurance is excluded from the definition of "group insurance" so that the provisions of the Part relating to individual insurance, rather than those relating to group insurance, will apply to family insurance.

Section 137 (h) is the same as present section 137¶11 except that the word "life" in the expression "group life insurance" has been dropped because of the definition of "insurance" in the Act; an exception has been made for family insurance (see definition in clause (g) and note thereto); and the words "contracting with the insurer" have been omitted as unnecessary.

Section 137 (i) is new. See note to clause (l) and to section 143.

Section 137 (j) corresponds to the definition of "instrument in writing" in present section 137¶12.

Section 137 (k) is the same as present section 137¶13.

Section 137 (l)—Subclause (ii) is the same as in the definition of "insured" in present section 137¶15. Subclause (i) takes the place of present section 143 (2) by defining "insured" in group insurance for the purposes stated therein.

Section 137 (*m*) is a special definition for this Part. See proposed definitions of "life insurance", "disability insurance" and "accidental death insurance" in section 1 of the Bill.

Section 137 (*n*) is the same as present section 137¶21.

Section 138 makes the revised Part applicable to existing as well as to new contracts, except for the preservation of rights of beneficiaries for value (subsection 2) and preferred beneficiaries (subsection 3) under existing contracts.

Subsection 1 takes the place of the whole of present section 138. It enacts a single, straightforward test for the application of the Part. The reasons for the deletion of the other material in present section 138 are:

- (1) *Omission of reference to date of contract*—The simple rule in subsection 1 should prove to be satisfactory for all contracts made in the jurisdiction—either before or after the date used in present section 138 (1 and 2).
- (2) *Inconsistent contractual provisions*—Subsection 1 of present section 138 states that contract terms inconsistent with the Part are null and void. This statement is an unnecessary addition to the rule expressed in the opening "Notwithstanding" clause.
- (3) *Intention of parties*—Present section 138, after stating that the Part applies to contracts made in Ontario, goes on to say that the Part applies to a contract made outside Ontario if the parties have so provided in the contract. This is not a matter on which the province in which the contract is *not* made is competent to legislate. Such province cannot force the "intention of the parties" rule on the jurisdiction in which the contract is made. It is for that jurisdiction, and that jurisdiction alone, to state whether or not the intention rule applies.

The "but" clause at the end of subsection 3 provides that the force of the subsection is spent once the insurance money becomes payable to a person outside the present preferred class of beneficiaries.

Section 139 replaces present section 139. The date of application of that section is dropped as unnecessary. The effect of this section is to make the Part applicable to a group life insured if he was resident in Ontario when he became insured even though the group contract was made elsewhere—so long as the insurer is one licensed in Ontario. Clause (*a*) of present section 139 is dropped as unnecessary because of subsection 1 of section 138. Clause (*b*) is covered in this section.

- (ii) in all other cases, means the person who makes a contract with an insurer;
- (m) "life insurance" includes disability insurance and accidental death insurance;
- (n) "will" includes a codicil.

## APPLICATION OF PART

138.—(1) Notwithstanding any agreement, condition or stipulation to the contrary, this Part applies to a contract made in Ontario on or after the day on which this section comes into force, and, subject to subsections 2 and 3, applies to a contract made in Ontario before that day. <sup>Application</sup>

(2) The rights and interests of a beneficiary for value under a contract that was in force immediately prior to the day on which this section comes into force are those provided in Part V of the Insurance Act then in force. <sup>Beneficiary for value</sup>

(3) Where the person who would have been entitled to the payment of insurance money, if the money had become payable immediately prior to the day on which this section comes into force, was a preferred beneficiary within the meaning of Part V of the Insurance Act then in force, the insured may not, except in accordance with that Part, <sup>Preferred beneficiary</sup>

- (a) alter or revoke the designation of a beneficiary; or
- (b) assign, exercise rights under or in respect of, surrender or otherwise deal with the contract,

but this subsection does not apply after a time at which the insurance money, if it were then payable, would be payable wholly to a person other than a preferred beneficiary within the meaning of that Part.

139. In the case of a contract of group insurance made with an insurer authorized to transact insurance in Ontario at the time the contract was made, this Part applies in determining, <sup>Group insurance</sup>

- (a) the rights and status of beneficiaries if the group life insured was resident in Ontario at the time he became insured; and
- (b) the rights and obligations of the group life insured if he was resident in Ontario at the time he became insured.

## ISSUANCE OF POLICY AND CONTENTS THEREOF

Insurer to issue policy      140.—(1) An insurer entering into a contract shall issue a policy.

Documents forming contract      (2) Subject to subsection 3, the provisions in,

- (a) the application; and
- (b) the policy; and
- (c) any document attached to the policy when issued; and
- (d) any amendment to the contract agreed upon in writing after the policy is issued,

constitute the entire contract.

Contract of fraternal society      (3) In the case of a contract made by a fraternal society, the policy, the Act or instrument of incorporation of the society, its constitution, by-laws and rules, and the amendments made from time to time to any of them, the application for the contract and the medical statement of the applicant constitute the entire contract.

Copy of application      (4) An insurer shall, upon request, furnish to the insured or to a claimant under the contract a copy of the application.

Exceptions      141.—(1) This section does not apply to a contract,

- (a) of group insurance; or
- (b) of creditor's group insurance; or
- (c) made by a fraternal society.

Contents of policy      (2) An insurer shall set forth the following particulars in the policy:

1. The name or a sufficient description of the insured and of the person whose life is insured.
2. The amount, or the method of determining the amount, of the insurance money payable, and the conditions under which it becomes payable.
3. The amount, or the method of determining the amount, of the premium and the period of grace, if any, within which it may be paid.

Section 140 (1)—Present section 141, stating that every contract is to be evidenced by a policy, is replaced by a positive requirement that the insurer issue a policy. The last part of present section 141 is omitted because "policy" is defined to mean "the instrument evidencing a contract" in section 149 of the present Act.

Section 140 (2) takes the place of present section 145 (1 and 2). The principal change is that the new provision applies generally and not merely, as does present section 145 (1), to evidence that may be prejudicial to the insured or a beneficiary.

Clause (a) is new but in actual practice the application is usually a "document . . . attached" within the meaning of present section 145 (1). The change made by the revision is to make the provisions of an application that is not attached to the policy part of the contract.

Section 140 (3) is similar to present section 145 (3). The wording in section 233 (7) of the Accident and Sickness Revision has been followed.

Section 140 (4)—Present section 154 has been changed to enable a claimant, as well as the insured, to obtain a copy of the application.

Section 141 (1)—Compare the exception for group insurance in present section 142 (1) and for fraternal insurance in present section 142 (7); the exception for creditor's group insurance is new. The particulars to be shown in group insurance and creditor's group insurance policies are set forth in section 142.

Section 141 (2)—Paragraphs 1, 2 and 3 are taken from present section 142 (1). The main changes are the deletion of the reference to beneficiaries in paragraph 1, the addition in paragraph 2 of a reference to the conditions under which the contract becomes payable to replace the present reference to maturity of the contract, and the addition of a reference to grace period, now in present section 142 (3), in paragraph 3. Also, references to "the method of determining the amount" have been added in paragraphs 2 and 3 to cover the case of renewable term insurance.

Paragraph 4 is similar to present section 142 (4).

Paragraph 5 is taken from present section 142 (3).

Paragraph 6 is taken from present section 142 (3).

Section 142—Paragraphs 1, 2, 3 and 4 are taken from present section 142 (2) and the first part of present section 142 (3), except that the reference in present section 142 (2) to the facts that determine the amount of the premium has been omitted as unnecessary, and the reference in the same provision to the facts that determine the manner and time of payment has been changed to the expression used in paragraph 3. Present section 142 (3), except for the first part (covered in paragraph 4), is inappropriate in relation to group insurance and creditor's group insurance.

Paragraph 5 is similar to present section 142 (4).

Section 143—The requirements of present section 142 (6) have been modified in the following respects:

- (a) The exemption for pre-1948 contracts has been deleted and the new provision will apply to all contracts.
- (b) The reference to "other document" is new. Important changes have taken place in group insurance practices since the 1948 amendments were passed, e.g., in many cases a large part of the administration of the group insurance is handled by employers and the employees' cover is frequently described in detail in booklets referring to all phases of an employer-employee welfare plan.
- (c) The term "group life insured" is new; it is defined in section 137 (i) to mean the employee or other "primary" life insured by the group contract. The definition excludes dependent or related participants in group dependants' insurance contracts, a new type of group insurance that has been developed since the 1948 amendments. The insurance on such dependent or related participants must, however, be described in the certificate or other document issued to the group life insured.

4. Whether the contract provides for participation in a distribution of surplus or profits that may be declared by the insurer.
5. The conditions upon which the contract may be reinstated if it lapses.
6. The options, if any,
  - (a) of surrendering the contract for cash;
  - (b) of obtaining a loan or an advance payment of the insurance money; and
  - (c) of obtaining paid-up or extended insurance.

142. In the case of a contract of group insurance or of creditor's group insurance, an insurer shall set forth the following particulars in the policy: Contents of group policy

1. The name or a sufficient description of the insured.
2. The method of determining the persons whose lives are insured.
3. The amount, or the method of determining the amount, of the insurance money payable, and the conditions under which it becomes payable.
4. The period of grace, if any, within which the premium may be paid.
5. Whether the contract provides for participation in a distribution of surplus or profits that may be declared by the insurer.

143. In the case of a contract of group insurance, an insurer shall issue, for delivery by the insured to each group life insured, a certificate or other document in which are set forth the following particulars: Contents of group certificate

1. The name of the insurer and an identification of the contract.
2. The amount, or the method of determining the amount, of insurance on the group life insured and on any person whose life is insured under the contract as a person dependent upon, or related to, him.

3. The circumstances in which the insurance terminates and the rights, if any, upon such termination, of the group life insured or of any person whose life is insured under the contract as a person dependent upon, or related to, him.

#### CONDITIONS GOVERNING FORMATION OF CONTRACT

Insurable  
interest

144.—(1) Subject to subsection 2, where at the time a contract would otherwise take effect the insured has no insurable interest, the contract is void.

Exceptions

(2) A contract is not void for lack of insurable interest,

(a) if it is a contract of group insurance; or

(b) if the person whose life is insured has consented in writing to the insurance being placed on his life.

Consent  
of minor

(3) Where the person whose life is insured is under the age of sixteen years, consent to insurance being placed on his life may be given by one of his parents or by a person standing *in loco parentis* to him.

Insurable  
interest,  
defined

145. Without restricting the meaning of the expression "insurable interest", a person has an insurable interest in his own life and in the life of,

(a) his child or grandchild;

(b) his spouse;

(c) any person upon whom he is wholly or in part dependent for, or from whom he is receiving, support or education;

(d) his employee; and

(e) any person in the duration of whose life he has a pecuniary interest.

Contract  
taking  
effect

146.—(1) Subject to any provision to the contrary in the application or the policy, a contract does not take effect unless,

(a) the policy is delivered to an insured, his assign or agent, or to a beneficiary;

(b) payment of the first premium is made to the insurer or its authorized agent; and



Section 144—Subsection 1 is similar to present section 159.

Subsection 2 is new. By clause (a) group insurance is exempted from subsection 1 because the ordinary insurable interest requirement does not fit some types of group insurance, e.g., insurance covering under one contract the members of a professional association. Clause (b) recognizes that the consent of the life insured is an adequate substitute for the insurable interest requirement.

Subsection 3 is new; it is necessary because of the addition of clause (b) in subsection 2.

Present section 160 has been deleted as unnecessary because there is no requirement at common law or otherwise that a beneficiary or other claimant has an insurable interest in the life insured. No change in the law is intended by the deletion of this section.

Section 145 combines present sections 157 and 158. It has been revised as to form. Also, in clause (a) the present limitation to children under 25 has been removed and a reference to "grandchild" has been added.

Section 146 (1) is a redraft of present section 151 (1). The principal change has been to restrict the exception for changes in insurability to the time between completion of the application and delivery of the policy.

Section 146 (2) is a new subsection to cover the case of negligent non-delivery by an agent.

Section 147 (1) is similar to present section 151 (2) except that the payment rather than the whole contract is made void if the cheque, etc., is not honoured.

Section 147 (2) is a simplification of present section 152 (2).

Section 148 (1) is new. It makes it clear that, except in the case of group insurance, any one of the parties named may, as of right, pay a premium when due. Present section 152 (1) only refers to payment by such persons during the period of grace.

Section 148 (2)—Subsections 1, 4 and 6 of present section 152 have been combined in this subsection. Subsection 3 of present section 152 has been omitted as unnecessary.

Section 148 (3) is similar to present section 152 (5).

- (c) no change has taken place in the insurability of the life to be insured between the time the application was completed and the time the policy was delivered.

(2) Where a policy is issued on the terms applied for and is delivered to an agent of the insurer for unconditional delivery to a person referred to in clause *a* of subsection 1, it shall be deemed, but not to the prejudice of the insured, to have been delivered to the insured. <sup>Delivery to agent</sup>

147.—(1) Where a cheque or other bill of exchange, or a promissory note or other written promise to pay, is given for the whole or part of a premium and payment is not made according to its tenor, the premium or part thereof shall be deemed not to have been paid. <sup>Default in paying premium</sup>

(2) Where a remittance for or on account of a premium is sent in a registered letter to an insurer and is received by it, the remittance shall be deemed to have been received at the time of the registration of the letter. <sup>Payment by registered letter</sup>

148.—(1) Except in the case of group insurance, an assignee of a contract, a beneficiary or a person acting on behalf of one of them or of the insured may pay any premium that the insured is entitled to pay. <sup>Who may pay premium</sup>

(2) Where a premium, other than the initial premium, is not paid at the time it is due, the premium may be paid within a period of grace of, <sup>Period of grace</sup>

(a) thirty days or, in the case of an industrial contract, twenty-eight days from and excluding the day on which the premium is due; or

(b) the number of days, if any, specified in the contract for payment of an overdue premium,

whichever is the longer period.

(3) Where the happening of the event upon which the insurance money becomes payable occurs during the period of grace and before the overdue premium is paid, the contract shall be deemed to be in effect as if the premium had been paid at the time it was due, but the amount of the premium, together with interest at the rate specified in the contract, but not exceeding 6 per cent per annum, and the balance, if any, of the current year's premium, may be deducted from the insurance money. <sup>Contract in force during grace period</sup>

Duty to  
disclose

149.—(1) An applicant for insurance and a person whose life is to be insured shall each disclose to the insurer in the application, on a medical examination, if any, and in any written statements or answers furnished as evidence of insurability, every fact within his knowledge that is material to the insurance and is not so disclosed by the other.

Failure to  
disclose

(2) Subject to section 150, a failure to disclose, or a misrepresentation of, such a fact renders the contract voidable by the insurer.

Exceptions

150.—(1) This section does not apply to a misstatement of age or to disability insurance.

Incontest-  
ability

(2) Subject to subsection 3, where a contract has been in effect for two years during the lifetime of the person whose life is insured, a failure to disclose, or a misrepresentation of, a fact required to be disclosed by section 149 does not, in the absence of fraud, render the contract voidable.

Incontest-  
ability in  
group  
insurance

(3) In the case of a contract of group insurance, a failure to disclose, or a misrepresentation of, such a fact in respect of a person whose life is insured under the contract does not render the contract voidable, but, if evidence of insurability is specifically requested by the insurer, the insurance in respect of that person is voidable by the insurer unless it has been in effect for two years during the lifetime of that person, in which event it is not, in the absence of fraud, voidable.

Non-  
disclosure  
by insurer

151. Where an insurer fails to disclose, or misrepresents, a fact material to the insurance, the contract is voidable by the insured, but, in the absence of fraud, the contract is not by reason of such failure or misrepresentation voidable after the contract has been in effect for two years.

Exceptions

152.—(1) This section does not apply to a contract of group insurance or of creditor's group insurance.

Misstate-  
ment  
of age

(2) Subject to subsection 3, where the age of a person whose life is insured is misstated to the insurer, the insurance money provided by the contract shall be increased or decreased to the amount that would have been provided for the same premium at the correct age.

Limitation  
of insur-  
able age

(3) Where a contract limits the insurable age, and the correct age of the person whose life is insured at the date of the application exceeds the age so limited, the contract is, during the lifetime of that person but not later than five years from the date the contract takes effect, voidable by the insurer within sixty days after it discovers the error.

Section 149—Present section 146 (1) has been divided into two subsections for ease in reading. The present requirement to disclose material facts in "statements or answers furnished in lieu of a medical examination" has been broadened to "written statements or answers furnished as evidence of insurability" because evidence that does not relate directly to health may be required, e.g., a statement of the extent to which the applicant travels in aircraft. An insurance contract is a contract of *uberrimae fidei* and the parties should disclose everything that would affect the making of the contract.

The requirement that the applicant and the life insured must disclose facts within their knowledge has been modified so that it is sufficient if each discloses facts within his knowledge that are not disclosed by the other.

Section 150 (1)—The exception for double indemnity insurance in the "but" clause at the end of present section 146 (2) has been deleted. Also, the exception for misstatements of age is made applicable to all statements respecting the life insured.

Section 150 (2)—Present section 146 (2) has been shortened but the effect is the same, i.e., the rule in section 149 (2) that a failure to disclose or a misrepresentation renders a contract voidable does not apply, in the absence of fraud, after the contract has been in force two years during the life insured's lifetime.

In the revision of this provision, an attempt has been made to clarify present section 146 (2) in its application to group insurance by the addition of subsection 3. Also, the exception for fraudulent statements is made applicable to all statements respecting the life insured.

Section 150 (3) is a new subsection to cover group insurance.

Section 151 is similar to present section 147 except that the last words "during the lifetime of the person whose life is insured" have been dropped. This omission clears up the application of the section to group insurance.

Section 152 (1) is similar to present section 149 (6); see section 153.

Section 152 (2) takes the place of the detailed rules for age adjustments in subsections 1 to 4 of present section 149. It provides for an equitable and relatively simple adjustment of benefits if age is misstated.

Section 152 (3) is similar to present section 149 (5) except that the insurer is given 60 days, instead of 30 days, after it discovers the error to take steps to declare the contract void.

Section 153—In line with the simplification of the misstatement-of-age provision relating to individual insurance (see section 152), present section 150, relating to group insurance, has also been simplified. Under this new section the contract provisions will govern but the insurance will not otherwise be rendered voidable by a misstatement of age.

Section 154 (1) is similar to present section 190.

Section 154 (2)—Present section 153 (3) has been simplified; no change in effect is intended.

Section 155 (1) is the same as present section 153 (4).

Section 155 (2) is similar to present section 153 (1), except that,

- (a) the special one-year period for industrial contracts has been deleted and the two-year period for reinstatements is made applicable to all contracts;
- (b) the exceptions relating to cash surrender values and paid-up and extended insurance options have been transferred to subsection 3;
- (c) in clause (b) the expression "satisfactory to the insurer" appears in both subclause (i) and subclause (ii) so that it modifies both "good health" and "insurability";
- (d) the proviso at the end of the present subsection has been dropped as unnecessary in view of the condition "if . . . he . . . produces evidence satisfactory to the insurer . . .".

Section 155 (3)—Self-explanatory.

Section 155 (4) is a simplification of present section 153 (2).

153. In the case of a contract of group insurance or of creditor's group insurance, a misstatement to the insurer of the age of a person whose life is insured does not of itself render the contract voidable, and the provisions, if any, of the contract with respect to age or misstatement of age apply. Misstatement of age in group insurance

154.—(1) Where a contract contains an undertaking, express or implied, that insurance money will be paid if a person whose life is insured commits suicide, the undertaking is lawful and enforceable. Effect of suicide

(2) Where a contract provides that in case a person whose life is insured commits suicide within a certain period of time the contract is void or the amount payable under it is reduced, if the contract lapses and is subsequently reinstated on one or more occasions, the period of time commences to run from the date of the latest reinstatement. Suicide and reinstatement

155.—(1) This section does not apply to a contract of group insurance or to a contract made by a fraternal society. Exceptions

(2) Where a contract lapses and the insured within two years applies for reinstatement of the contract, if within that time he, Reinstatement

(a) pays the overdue premiums and other indebtedness under the contract to the insurer, together with interest at the rate specified in the contract, but not exceeding 6 per cent per annum, compounded annually; and

(b) produces,

(i) evidence satisfactory to the insurer of the good health, and

(ii) other evidence satisfactory to the insurer of the insurability,

of the person whose life was insured,

the insurer shall reinstate the contract.

(3) Subsection 2 does not apply where the cash surrender value has been paid or an option of taking paid-up or extended insurance has been exercised. Exceptions

(4) Sections 149 and 150 apply *mutatis mutandis* to reinstatement of a contract. Application of other sections

## DESIGNATION OF BENEFICIARIES

**Designation of beneficiary** 156.—(1) An insured may in a contract or by a declaration designate his personal representative or a beneficiary to receive insurance money.

**Change in designation** (2) Subject to section 157, the insured may from time to time alter or revoke the designation by a declaration.

**Meaning of "heirs", etc.** (3) A designation in favour of the "heirs", "next of kin" or "estate" of the insured, or the use of words of like import in a designation, shall be deemed to be a designation of the personal representative of the insured.

**Designation of beneficiary irrevocably** 157.—(1) An insured may in a contract, or by a declaration, other than a declaration that is part of a will, filed with the insurer at its head or principal office in Canada during the lifetime of the person whose life is insured, designate a beneficiary irrevocably, and in that event the insured, while the beneficiary is living, may not alter or revoke the designation without the consent of the beneficiary and the insurance money is not subject to the control of the insured or of his creditors and does not form part of his estate.

**Attempted designation** (2) Where the insured purports to designate a beneficiary irrevocably in a will or in a declaration that is not filed as provided in subsection 1, the designation has the same effect as if the insured had not purported to make it irrevocable.

**Designation in invalid will** 158.—(1) A designation in an instrument purporting to be a will is not ineffective by reason only of the fact that the instrument is invalid as a will, or that the designation is invalid as a bequest under the will.

**Priorities**  
R.S.O. 1960,  
c. 433 (2) Notwithstanding *The Wills Act*, a designation in a will is of no effect against a designation made later than the making of the will.

**Revocation** (3) Where a designation is contained in a will, if subsequently the will is revoked by operation of law or otherwise, the designation is thereby revoked.

**Idem** (4) Where a designation is contained in an instrument that purports to be a will, if subsequently the instrument if valid as a will would be revoked by operation of law or otherwise, the designation is thereby revoked.

**Trustee for beneficiary** 159.—(1) An insured may in a contract or by a declaration appoint a trustee for a beneficiary and may alter or revoke the appointment by a declaration.



Section 156 (1) replaces the middle portion of present section 167 (1). The word "designate" has been retained but the words "appropriated", "appointment, appropriation or apportionment" have been dropped as unnecessary.

As to wills, the definition of "declaration" in section 137 (f) uses the expression "instrument" which is defined to include wills.

Under the present Part, "beneficiary" does not include the insured's estate. A reference to the insured's personal representative has been added. The definition of "beneficiary" in section 137 (b) excludes such representatives.

Section 156 (2) is similar to part of present section 167 (1).

Section 156 (3) is similar to present section 155 (1) except for the addition of the reference to "estate" and to words of like import.

Section 157 (1) deals with the status created by an irrevocable designation, as at the time of designation. Dealings with the contracts during the insured's lifetime are covered in section 163.

In this subsection, the words "other than a declaration that is part of a will" have been used to avoid the problems that presently arise in the designation of preferred beneficiaries by "secret" declarations in wills. An irrevocable designation must not be in a will and must be filed to be effective. Note that subsequent alterations and revocations are barred without the consent of the beneficiary. The clause stating that the insurance money is not subject to the insured's control, etc., replaces, in a sense, part of present section 170 (1).

Section 157 (2) deals with the consequences of an attempt to designate a beneficiary irrevocably in a will and of a failure to file with the insurer a declaration designating a beneficiary irrevocably.

Section 158 takes the place of the first part of subsections 4 and 6 of present section 167. The latter provision is obscure. Subsections 1, 3 and 4 set forth the rules apparently intended to be provided in that subsection. The reference at the end of subsection 1 to a bequest under a will is to make it clear that the beneficiary is not barred from taking the insurance money merely because he cannot receive a bequest under the will by reason of the fact, for instance, that he was one of the witnesses.

Section 159 covers the same ground as present section 192.

Section 160 (1) is an adaptation of present section 169.

Section 160 (2) is similar to present section 168.

Section 161 is similar to present section 167 (2).

Section 162 (1) frees insurance money payable to any beneficiary from claims by the insured's creditors. This is thought to be the effect of the present law and the provision is included for greater certainty.

Section 162 (2)—The classes of beneficiaries referred to in this subsection are the same as the classes of preferred beneficiaries specified in present section 164 (2).

Section 163 is similar to present section 179 (1). Subsection 2 is not necessary because of the removal of the statutory trust.

(2) A payment made by an insurer to a trustee for a beneficiary discharges the insurer to the extent of the payment. Payment to trustee

160.—(1) Where a beneficiary predeceases the person whose life is insured, and no disposition of the share of the deceased beneficiary in the insurance money is provided in the contract or by a declaration, the share is payable, Beneficiary predeceasing life insured

(a) to the surviving beneficiary; or

(b) if there is more than one surviving beneficiary, to the surviving beneficiaries in equal shares; or

(c) if there is no surviving beneficiary, to the insured or his personal representative.

(2) Where two or more beneficiaries are designated otherwise than alternatively, but no division of the insurance money is made, the insurance money is payable to them in equal shares. Several beneficiaries

161. A beneficiary may enforce for his own benefit, and a trustee appointed pursuant to section 159 may enforce as trustee, the payment of insurance money made payable to him in the contract or by a declaration and in accordance with the provisions thereof, but the insurer may set up any defence that it could have set up against the insured or his personal representative. Right to sue

162.—(1) Where a beneficiary is designated, the insurance money, from the time of the happening of the event upon which the insurance money becomes payable, is not part of the estate of the insured and is not subject to the claims of the creditors of the insured. Insurance money free from creditors

(2) While a designation in favour of a spouse, child, grand-child or parent of a person whose life is insured, or any of them, is in effect, the rights and interests of the insured in the insurance money and in the contract are exempt from execution or seizure. Contract exempt from seizure

#### DEALINGS WITH CONTRACT DURING LIFETIME OF INSURED

163. Where a beneficiary, Insured dealing with contract

(a) is not designated irrevocably; or

(b) is designated irrevocably but has attained the age of twenty-one years and consents,

the insured may assign, exercise rights under or in respect of, surrender or otherwise deal with the contract as provided therein or in this Part or as may be agreed upon with the insurer.

Insured  
entitled to  
dividends

164.—(1) Notwithstanding the designation of a beneficiary irrevocably, the insured is entitled while living to the dividends or bonuses declared on a contract, unless the contract otherwise provides.

Insurer  
may use  
dividends

(2) Unless the insured otherwise directs, the insurer may apply the dividends or bonuses declared on the contract for the purpose of keeping the contract in force.

Transfer of  
ownership  
R.S.O. 1960,  
c. 433

165.—(1) Notwithstanding *The Wills Act*, where in a contract or in an agreement in writing between an insurer and an insured it is provided that a person named in the contract or in the agreement has, upon the death of the insured, the rights and interests of the insured in the contract,

- (a) the rights and interests of the insured in the contract do not, upon the death of the insured, form part of his estate; and
- (b) upon the death of the insured, the person named in the contract or in the agreement has the rights and interests given to the insured by the contract and by this Part and shall be deemed to be the insured.

Successive  
owners

(2) Where the contract or agreement provides that two or more persons named in the contract or in the agreement shall, upon the death of the insured, have successively, on the death of each of them, the rights and interests of the insured in the contract, this section applies successively, *mutatis mutandis*, to each of such persons and to his rights and interests in the contract.

Saving

(3) Notwithstanding any nomination made pursuant to this section, the insured may, prior to his death, assign, exercise rights under or in respect of, surrender or otherwise deal with the contract as if the nomination had not been made, and may alter or revoke the nomination by agreement in writing with the insurer.

Interest of  
assignee

166.—(1) Where an assignee of a contract gives notice in writing of the assignment to the insurer at its head or principal office in Canada, he has priority of interest as against,

- (a) any assignee other than one who gave notice earlier in like manner; and

Section 164 follows the same principle as present section 178, i.e., that the insured is entitled to dividends or bonuses, unless, as provided in subsection 2, they are applied to keep the contract in force. In view of the removal of the statutory trust, it has been possible to shorten the present section.

Section 165 (1 and 3) is similar to present section 163, except that the first few lines in subsection 1 have been broadened so that the section will apply to all third-party policies (including family policies) and not merely those on the lives of minors. Also, subsection 2 has been added to permit the nomination of successive owners.

Section 166 (1) is an adaptation of present section 165. The references to beneficiaries for value in the present section have been dropped as such beneficiaries have rarely been named pursuant to the present Act. The same result can be achieved by assigning the contract to a beneficiary. A reference to irrevocable beneficiaries has been added.

Section 166 (2) is a simplification of present section 179 (4). By omitting the reference to loan or debt, the revised subsection will apply to future advances (if provided for in the assignment) as well as to the original debt.

Section 166 (3) is similar to present section 166 except that it has been extended to cover all assignees, not merely assignees who are lives insured.

Section 166 (4) is a new provision designed to support a provision of the contract barring assignments.

Section 167 is similar to present section 167 (3).

Section 168 is a simplification of present section 161. In one respect, the provision is broadened so that a minor of the age stated may effect a contract on the lives of other persons as well as on his own life. It is more restrictive, however, in that the age at which capacity is given is raised from fifteen to sixteen.

Section 169 is new and self-explanatory.

Section 170 covers the same ground as present sections 185 (1 and 2) and 186 (1).

- (b) a beneficiary other than one designated irrevocably as provided in section 157 prior to the time the assignee gave notice to the insurer of the assignment in the manner prescribed in this subsection.

(2) Where a contract is assigned as security, the rights of a beneficiary under the contract are affected only to the extent necessary to give effect to the rights and interests of the assignee. Effect on beneficiary's rights

(3) Where a contract is assigned unconditionally and otherwise than as security, the assignee has all the rights and interests given to the insured by the contract and by this Part and shall be deemed to be the insured. Assignee deemed to be insured

(4) A provision in a contract to the effect that the rights or interests of the insured, or, in the case of group insurance, the group life insured, are not assignable is valid. Prohibition against assignment

167. A group life insured may in his own name enforce a right given to him under a contract, subject to any defence available to the insurer against him or against the insured. Group life insured enforcing rights

#### MINORS

168. Except in respect of his rights as beneficiary, a minor who has attained the age of sixteen years has the capacity of a person of the age of twenty-one years, Capacity of minors

(a) to make an enforceable contract; and

(b) in respect of a contract.

169. A beneficiary who has attained the age of eighteen years has the capacity of a person of the age of twenty-one years to receive insurance money payable to him and to give a discharge therefor. Capacity of minor beneficiary

#### PROCEEDINGS UNDER CONTRACT

170. Where an insurer receives sufficient evidence of, Proof of claim

(a) the happening of the event upon which insurance money becomes payable;

(b) the age of the person whose life is insured;

(c) the right of the claimant to receive payment; and

(d) the name and age of the beneficiary, if there is a beneficiary,

it shall, within thirty days after receiving the evidence, pay the insurance money to the person entitled thereto.

Place of  
payment

171.—(1) Subject to subsection 4, insurance money is payable in Ontario.

Dollars

(2) Unless a contract otherwise provides, a reference therein to dollars means Canadian dollars.

Payment  
outside  
Ontario

(3) Where a person entitled to receive insurance money is not domiciled in Ontario, the insurer may pay the insurance money to that person or to any other person who is entitled to receive it on his behalf by the law of the domicile of the payee.

Exception  
for group  
insurance

(4) In the case of a contract of group insurance, insurance money is payable in the province or territory of Canada in which the group life insured was resident at the time he became insured.

Action in  
Ontario

172. Notwithstanding where a contract was made, an action on it may be brought in a court by a resident of Ontario if the insurer was authorized to transact insurance in Ontario at the time the contract was made or at the time the action is brought.

Limitation  
of action

173.—(1) Subject to subsection 2, an action or proceeding against an insurer for the recovery of insurance money shall not be commenced more than one year after the furnishing of the evidence required by section 170 or more than six years after the happening of the event upon which the insurance money becomes payable, whichever period first expires.

Exception

(2) Where a declaration has been made under section 176, an action or proceeding to which reference is made in subsection 1 shall not be commenced more than one year after the date of the declaration.

Documents  
affecting  
title

174.—(1) Until an insurer receives at its head or principal office in Canada an instrument or an order of a court affecting the right to receive insurance money, or a notarial copy, or a copy verified by statutory declaration, of any such instrument or order, it may make payment of the insurance money and shall be as fully discharged to the extent of the amount paid as if there were no such instrument or order.

Saving

(2) Subsection 1 does not affect the rights or interests of any person other than the insurer.



Section 171 (1)—Present section 186 (2) has been altered. The rule in this subsection lines up with section 138 (1).

Section 171 (2) is a shortened version of present section 186 (4 and 5).

Section 171 (3) is a redraft of present section 187.

Section 171 (4) replaces present section 186 (3). As in section 139, the residence of the group life insured at the time he became insured is the test used, rather than the domicile at the date of death.

Section 172 replaces present section 140 which is, in a large measure, *ultra vires* of Ontario (see *Gray v. Kerslake* (1958) S.C.R. 3; 1958 C.I.L.S. Bulletins p. 3). In it, the statute purports to be applicable to a contract made outside Ontario under certain circumstances. Ontario has no legislative authority to bring within its jurisdiction a contract actually made in another jurisdiction. Ontario, however, probably has jurisdiction to give residents access to the courts of the province in the circumstances described in this new section.

Section 173—Present section 191 has been redrafted to eliminate the multiplicity of periods therein prescribed.

Section 174 is a shortened version of present section 183.

Section 175 is similar to present section 188 (1). In the first line "insurance" is used instead of "contract" to cover group insurance.

Section 176 is similar to present section 188 (2). Separate sections are used to emphasize the difference between the two types of applications dealt with in this section and in section 175.

Section 177 and section 179 are similar to subsections 3 and 4 of present section 188. Subsection 2 has been revised to line up with section 247 (3) of Part VII, dealing with Accident and Sickness Insurance.

Section 178 is similar to present section 188 (6).

Section 179—See note to section 177.

Section 180 is similar to present section 188 (5).

Section 181 is similar to present section 194 (1) except that the words "one month" have been changed to "thirty days" for consistency with sections 148 (2), 170, 175, 176, etc. In clause (b) "whereabouts" has been used instead of "place of abode". In clause (c) the word "and" is used in place of "or" after the expression "no person capable of giving" and the words "who is willing to do so" have been added. Similar changes were made in section 247 (1) of Part VII, dealing with Accident and Sickness Insurance.

175. Where an insurer admits the validity of the insurance but does not admit the sufficiency of the evidence required by section 170 and there is no other question in issue except a question under section 176, the insurer or the claimant may, before or after action is brought and upon at least thirty days notice, apply to the court for a declaration as to the sufficiency of the evidence furnished, and the court may make the declaration or may direct what further evidence shall be furnished and on the furnishing thereof may make the declaration or, in special circumstances, may dispense with further evidence.

Declaration  
as to  
sufficiency  
of proof

176. Where a claimant alleges that the person whose life is insured should be presumed to be dead by reason of his not having been heard of for seven years and there is no other question in issue except a question under section 175, the insurer or the claimant may, before or after action is brought and upon at least thirty days notice, apply to the court for a declaration as to presumption of the death and the court may make the declaration.

Declaration  
as to pre-  
sumption  
of death

177.—(1) Upon making a declaration under section 175 or 176, the court may make such order respecting the payment of the insurance money and respecting costs as it deems just and, subject to section 179, a declaration or direction or order made under this subsection is binding upon the applicant and upon all persons to whom notice of the application has been given.

Court  
may make  
order

(2) A payment made under an order made under subsection 1 discharges the insurer to the extent of the amount paid.

Payment  
under  
order

178. Unless the court otherwise orders, an application made under section 175 or 176 operates as a stay of any pending action with respect to the insurance money.

Stay of  
proceedings

179. An appeal lies to the Court of Appeal from any declaration, direction or order made under section 175, section 176 or subsection 1 of section 177.

Appeal

180. Where the court finds that the evidence furnished under section 170 is not sufficient or that a presumption of death is not established, it may order that the matters in issue be decided in an action brought or to be brought, or may make such other order as it deems just respecting further evidence to be furnished by the claimant, publication of advertisements, further inquiry or any other matter or respecting costs.

Power  
of court

181. Where an insurer admits liability for insurance money and it appears to the insurer that,

Payment  
into court

- (a) there are adverse claimants; or
- (b) the whereabouts of a person entitled is unknown; or
- (c) there is no person capable of giving and authorized to give a valid discharge therefor, who is willing to do so,

the insurer may, at any time after thirty days from the date of the happening of the event upon which the insurance money becomes payable, apply to the court *ex parte* for an order for payment of the money into court, and the court may upon such notice, if any, as it thinks necessary make an order accordingly.

Simul-  
taneous  
deaths

182. Unless a contract or a declaration otherwise provides, where the person whose life is insured and a beneficiary die at the same time or in circumstances rendering it uncertain which of them survived the other, the insurance money is payable in accordance with subsection 1 of section 160 as if the beneficiary had predeceased the person whose life is insured.

Insurance  
money  
payable in  
instalments

183.—(1) Subject to subsections 2 and 3, where insurance money is payable in instalments and a contract, or an instrument signed by the insured and delivered to the insurer, provides that a beneficiary has not the right to commute the instalments or to alienate or assign his interest therein, the insurer shall not, unless the insured subsequently directs otherwise in writing, commute the instalments or pay them to any person other than the beneficiary, and the instalments are not, in the hands of the insurer, subject to any legal process except an action to recover the value of necessities supplied to the beneficiary or his infant children.

Commuta-  
tion by  
beneficiary

(2) A court may, upon the application of a beneficiary and upon at least ten days notice, declare that in view of special circumstances,

- (a) the insurer may, with the consent of the beneficiary, commute instalments of insurance money; or
- (b) the beneficiary may alienate or assign his interest in the insurance money.

Commuta-  
tion after  
death of  
beneficiary

(3) After the death of the beneficiary, his personal representative may, with the consent of the insurer, commute any instalments of insurance money payable to the beneficiary.

Interpre-  
tation

(4) In this section, "instalments" includes insurance money held by the insurer under section 184.

Section 182—Present section 189 has been revised so as to change the rule from one of succession to one of contract by eliminating any reference to the presumed order of death and substituting a provision (which would form part of the contract) to the effect that the beneficiary only takes if he clearly survives the life insured. Therefore, the new contract rule would follow the insured when he moved out of the jurisdiction.

Section 183 is similar to present section 181, except that clause (a) of present subsection 2 has been dropped as the point covered therein can be dealt with in the contract. In subsection 2, the present provision is revised to make it clear that the court is merely declaring that commutation may take place; the parties must then agree on the basis of commutation, if they are able to do so. In subsection 3, the words "with the consent of the insurer" have been added for a similar reason.

Section 184 replaces and shortens present section 182.

Section 185 is similar to present section 195 except that the two-month period has been shortened to "thirty days".

Section 186 is similar to present section 196.

Section 187 is the same as present section 194 (2-4).

184.—(1) An insurer may hold insurance money,

Insurer  
holding  
insurance  
money

(a) subject to the order of an insured or a beneficiary; or

(b) upon trusts or other agreements for the benefit of the insured or the beneficiary,

as provided in the contract, by an agreement in writing to which it is a party, or by a declaration, with interest at a rate agreed upon therein or, where no rate is agreed upon, at the rate declared from time to time by the insurer in respect of insurance money so held by it.

(2) The insurer is not bound to hold insurance money as provided in subsection 1 under the terms of a declaration to which it has not agreed in writing. Exception

185. Where an insurer does not within thirty days after receipt of the evidence required by section 170 pay the insurance money to some person competent to receive it or into court, the court may, upon application of any person, order that the insurance money or any part thereof be paid into court, or may make such other order as to the distribution of the money as it deems just, and payment made in accordance with the order discharges the insurer to the extent of the amount paid. Court may  
order  
payment

186. The court may fix without taxation the costs incurred in connection with an application or order made under section 181 or 185, and may order them to be paid out of the insurance money or by the insurer or the applicant or otherwise as it deems just. Costs

187.—(1) Where an insurer admits liability for insurance money payable to a minor and there is no person capable of giving and authorized to give a discharge therefor, who is willing to do so, the insurer may at any time after thirty days from the date of the happening of the event upon which the insurance money becomes payable pay the money, less the applicable costs mentioned in subsection 2, into court to the credit of the minor. Where  
beneficiary  
a minor

(2) The insurer may retain out of the insurance money for costs incurred upon payment into court under subsection 1 the sum of \$10, where the amount does not exceed \$1,000, and the sum of \$15 in other cases, and payment of the remainder of the money into court discharges the insurer. Costs

(3) No order is necessary for payment into court under subsection 1, but the accountant or other proper officer shall receive the money upon the insurer filing with him an affidavit Procedure

showing the amount payable and the name, date of birth and residence of the minor, and, upon such payment being made, the insurer shall forthwith notify the Official Guardian and deliver to him a copy of the affidavit.

Beneficiary  
under  
disability

188. Where it appears that a representative of a beneficiary who is under disability may under the law of the domicile of the beneficiary accept payments on behalf of the beneficiary, the insurer may make payment to the representative and any such payment discharges the insurer to the extent of the amount paid.

#### MISCELLANEOUS PROVISIONS

Presump-  
tion against  
agency

189. No officer, agent or employee of an insurer and no person soliciting insurance, whether or not he is an agent of the insurer, shall, to the prejudice of the insured, be deemed to be the agent of the insured in respect of any question arising out of a contract.

Insurer  
giving  
information

190. An insurer does not incur any liability for any default, error or omission in giving or withholding information as to any notice or instrument that it has received and that affects the insurance money.

R.S.O. 1960,  
c. 190, s. 218,  
re-enacted

5. Section 218 of *The Insurance Act* is repealed and the following substituted therefor:

Minimum  
liability  
under policy

218.—(1) Every owner's policy and driver's policy shall insure, in respect of any one accident, to the limit of at least \$35,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons and loss of or damage to property.

Priorities

(2) Where in any one accident liability results from bodily injury or death and loss of or damage to property,

(a) claims arising out of bodily injury or death have priority to an amount of \$30,000 over claims arising out of loss of or damage to property; and

(b) claims arising out of loss of or damage to property have priority to an amount of \$5,000 over claims arising out of bodily injury or death.

Application

(3) Subsections 1 and 2 apply to every owner's policy and every driver's policy that is written or renewed effective on or after the 1st day of June, 1962, and,



Section 188 is similar to subsection 3 of present section 193, except that provision has been made to provide that payment thereunder discharges the insurer. Subsections 1 and 2 of present section 193 have been deleted because they are unnecessary in some provinces and in others are more restrictive than the laws applicable to the payment of other forms of debt due to a minor.

Section 189 is similar to present section 156.

Section 190 is similar to present section 184.

SECTION 5. The minimum liability under automobile insurance policies is raised to conform to current amendments to section 117 of *The Highway Traffic Act* (Bill 147).

SECTION 6. This new section is complementary to section 2 (2) (a) of *The Motor Vehicle Accident Claims Act, 1961-62* (Bill 124).

SECTION 7. The expression "accidental death insurance" is substituted throughout the Act for "double indemnity insurance" as being more descriptive of that type of insurance.

SECTION 8—Subsection 1. It is desirable to bring the provisions relating to automobile insurance into force at once.

Subsection 2. It is desirable that the revised Part V (Life Insurance) be brought into force in all provinces simultaneously, which may be done most conveniently by proclamation in each of the provinces.

where any owner's or driver's policy previously issued and in effect on that date insures for amounts less than those set out in subsections 1 and 2, it shall be deemed to insure for the amounts set out in subsections 1 and 2 from and after the 1st day of October, 1962.

**6.** *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 190,  
amended

218a. An insurer that issues or delivers a motor vehicle liability policy in Ontario, or any renewal thereof, or any evidence of the continuation of such policy, shall issue a certificate evidencing such insurance. Certificate  
of  
insurance

**7.** Clause *d* of subsection 2 of section 228 of *The Insurance Act* is amended by striking out "double indemnity" and inserting in lieu thereof "accidental death", so that the clause shall read as follows: R.S.O. 1960,  
c. 190,  
s. 228,  
subs. 2, cl. d,  
amended

(d) accidental death insurance; or

. . . . .

**8.**—(1) This Act, except sections 1 to 4 and 7, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Sections 1 to 4 and 7 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

**9.** This Act may be cited as *The Insurance Amendment Act*, 1961-62. Short title

An Act to amend  
The Insurance Act

*1st Reading*

March 30th, 1962

*2nd Reading*

*3rd Reading*

MR. ROBERTS

# **BILL 144**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Insurance Act**

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**MR. ROBERTS**

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## BILL 144

1961-62

## An Act to amend The Insurance Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Insurance Act* is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 190, s. 1,  
amended

- 1a. "accidental death insurance" means insurance undertaken by an insurer as part of a contract of life insurance whereby the insurer undertakes to pay an additional amount of insurance money in the event of the death by accident of the person whose life is insured.

(2) Paragraph 16 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190, s. 1,  
par. 16,  
re-enacted

16. "disability insurance" means insurance undertaken by an insurer as part of a contract of life insurance whereby the insurer undertakes to pay insurance money or to provide other benefits in the event that the person whose life is insured becomes disabled as a result of bodily injury or disease.

(3) Paragraph 17 of the said section 1 is repealed. R.S.O. 1960,  
c. 190, s. 1,  
par. 17,  
repealed

(4) Paragraph 24 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190, s. 1,  
par. 24,  
re-enacted

24. "fraternal society" means a society, order or association incorporated for the purpose of making with its members only, and not for profit, contracts of life, accident or sickness insurance in accordance with its constitution, by-laws and rules and this Act.

(5) Paragraph 36 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190, s. 1,  
par. 36,  
re-enacted

36. "life insurance" means insurance whereby an insurer undertakes to pay insurance money,

- (a) on death; or
- (b) on the happening of an event or contingency dependent on human life; or
- (c) at a fixed or determinable future time; or
- (d) for a term dependent on human life,

and, without restricting the generality of the foregoing, includes accidental death insurance but not accident insurance.

R.S.O. 1960,  
c. 190, s. 26,  
re-enacted

2. Section 26 of *The Insurance Act* is repealed and the following substituted therefor:

Scope of life  
insurance  
licence

26. Every insurer licensed for the transaction of life insurance may, under the authority of its licence, unless the licence expressly provides otherwise,

- (a) include in any policy of life insurance, in respect of the same life or lives insured thereby, disability insurance and accidental death insurance; and
- (b) transact annuities of all kinds and insurance providing for the establishment of accumulation or endowment funds.

R.S.O. 1960,  
c. 190,  
amended

3. *The Insurance Act* is amended by adding thereto the following section:

Separate  
fund  
required

80a.—(1) Where an insurer incorporated and licensed for the transaction of life insurance under the law of Ontario in the exercise of its powers issues policies such that the reserves therefor to be included in the annual statement pursuant to section 76 vary in amount depending upon the market value of a specified group of assets, the insurer shall maintain in respect of such policies one or more separate and distinct funds with separate assets for each such fund.

How  
separate  
fund may  
be created

(2) This fund or these funds may be created by the insurer, if duly authorized by by-law, by transfers from the shareholders' fund or, if duly authorized by a special general meeting of the insurer, by transfers from the life insurance funds, but the aggregate of all transfers for this purpose shall not exceed \$100,000.



- (3) Where a separate and distinct fund with separate assets is maintained pursuant to subsection 1, the assets of the fund so maintained are available only to meet the liabilities arising under policies in respect of which that fund is maintained and are not liable for the payment of claims arising from any other policies; but any assets that remain in any such fund after the discharge of all of the insurer's liabilities in respect of the policies for which that fund is maintained may be transferred to such other fund as the directors determine. Segregation  
of assets
- (4) Where the policies in respect of which a separate and distinct fund with separate assets is maintained are such that the reserves therefor to be included in the annual statement pursuant to section 76 vary in amount depending upon the market value of the assets of the fund, the percentage limits specified in subsections 7 and 8 of section 208 of *The Corporations Act* do not apply to the investments and loans constituting the assets of the fund, and in the application of those limits to the insurer as a whole the assets of any such separate fund shall not be taken into account. Exception  
from  
investment  
limitations  
  
R.S.O. 1960,  
c. 71
- (5) Except as required in subsection 4, where a separate and distinct fund with separate assets is maintained by an insurer, the percentage limits specified in subsections 4, 7 and 8 of section 208 of *The Corporations Act* apply to the investments and loans constituting the assets of the fund as if those assets were the total assets of the insurer. Investment  
limitations

4. Part V of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190,  
Part V  
(ss. 137-  
190),  
re-enacted;  
(ss. 191-197),  
repealed

## PART V

### LIFE INSURANCE

#### INTERPRETATION

137. In this Part,

Interpre-  
tation

- (a) "application" means an application for insurance or for the reinstatement of insurance;
- (b) "beneficiary" means a person, other than the insured or his personal representative, to whom or for whose benefit insurance money is made payable in a contract or by a declaration;

- (c) "contract" means a contract of life insurance;
- (d) "court" means the Supreme Court or a judge thereof;
- (e) "creditor's group insurance" means insurance effected by a creditor in respect of the lives of his debtors whereby the lives of the debtors are insured severally under a single contract;
- (f) "declaration" means an instrument signed by the insured,
  - (i) with respect to which an endorsement is made on the policy, or
  - (ii) that identifies the contract, or
  - (iii) that describes the insurance or insurance fund or a part thereof,
 in which he designates, or alters or revokes the designation of, his personal representative or a beneficiary as one to whom or for whose benefit insurance money is to be payable;
- (g) "family insurance" means insurance whereby the lives of the insured and one or more persons related to him by blood, marriage or adoption are insured under a single contract between an insurer and the insured;
- (h) "group insurance" means insurance, other than creditor's group insurance and family insurance, whereby the lives of a number of persons are insured severally under a single contract between an insurer and an employer or other person;
- (i) "group life insured" means a person whose life is insured by a contract of group insurance but does not include a person whose life is insured under the contract as a person dependent upon, or related to, him;
- (j) "instrument" includes a will;
- (k) "insurance" means life insurance;
- (l) "insured",
  - (i) in the case of group insurance, means, in the provisions of this Part relating to the designation of beneficiaries and the rights and status of beneficiaries, the group life insured, and

- (ii) in all other cases, means the person who makes a contract with an insurer;
- (m) "life insurance" includes disability insurance and accidental death insurance;
- (n) "will" includes a codicil.

#### APPLICATION OF PART

138.—(1) Notwithstanding any agreement, condition or stipulation to the contrary, this Part applies to a contract made in Ontario on or after the day on which this section comes into force, and, subject to subsections 2 and 3, applies to a contract made in Ontario before that day. <sup>Application</sup>

(2) The rights and interests of a beneficiary for value under a contract that was in force immediately prior to the day on which this section comes into force are those provided in Part V of the Insurance Act then in force. <sup>Beneficiary for value</sup>

(3) Where the person who would have been entitled to the payment of insurance money, if the money had become payable immediately prior to the day on which this section comes into force, was a preferred beneficiary within the meaning of Part V of the Insurance Act then in force, the insured may not, except in accordance with that Part, <sup>Preferred beneficiary</sup>

- (a) alter or revoke the designation of a beneficiary; or
- (b) assign, exercise rights under or in respect of, surrender or otherwise deal with the contract,

but this subsection does not apply after a time at which the insurance money, if it were then payable, would be payable wholly to a person other than a preferred beneficiary within the meaning of that Part.

139. In the case of a contract of group insurance made with an insurer authorized to transact insurance in Ontario at the time the contract was made, this Part applies in determining, <sup>Group insurance</sup>

- (a) the rights and status of beneficiaries if the group life insured was resident in Ontario at the time he became insured; and
- (b) the rights and obligations of the group life insured if he was resident in Ontario at the time he became insured.

## ISSUANCE OF POLICY AND CONTENTS THEREOF

Insurer to  
issue  
policy

140.—(1) An insurer entering into a contract shall issue a policy.

Documents  
forming  
contract

(2) Subject to subsection 3, the provisions in,

(a) the application; and

(b) the policy; and

(c) any document attached to the policy when issued;  
and

(d) any amendment to the contract agreed upon in  
writing after the policy is issued,

constitute the entire contract.

Contract of  
fraternal  
society

(3) In the case of a contract made by a fraternal society, the policy, the Act or instrument of incorporation of the society, its constitution, by-laws and rules, and the amendments made from time to time to any of them, the application for the contract and the medical statement of the applicant constitute the entire contract.

Copy of  
application

(4) An insurer shall, upon request, furnish to the insured or to a claimant under the contract a copy of the application.

Exceptions

141.—(1) This section does not apply to a contract,

(a) of group insurance; or

(b) of creditor's group insurance; or

(c) made by a fraternal society.

Contents  
of policy

(2) An insurer shall set forth the following particulars in the policy:

1. The name or a sufficient description of the insured and of the person whose life is insured.

2. The amount, or the method of determining the amount, of the insurance money payable, and the conditions under which it becomes payable.

3. The amount, or the method of determining the amount, of the premium and the period of grace, if any, within which it may be paid.

4. Whether the contract provides for participation in a distribution of surplus or profits that may be declared by the insurer.
5. The conditions upon which the contract may be re-instated if it lapses.
6. The options, if any,
  - (a) of surrendering the contract for cash;
  - (b) of obtaining a loan or an advance payment of the insurance money; and
  - (c) of obtaining paid-up or extended insurance.

142. In the case of a contract of group insurance or of <sup>Contents of group</sup> creditor's group insurance, an insurer shall set forth the <sup>policy</sup> following particulars in the policy:

1. The name or a sufficient description of the insured.
2. The method of determining the persons whose lives are insured.
3. The amount, or the method of determining the amount, of the insurance money payable, and the conditions under which it becomes payable.
4. The period of grace, if any, within which the premium may be paid.
5. Whether the contract provides for participation in a distribution of surplus or profits that may be declared by the insurer.

143. In the case of a contract of group insurance, an insurer <sup>Contents of group</sup> shall issue, for delivery by the insured to each group life <sup>certificate</sup> insured, a certificate or other document in which are set forth the following particulars:

1. The name of the insurer and an identification of the contract.
2. The amount, or the method of determining the amount, of insurance on the group life insured and on any person whose life is insured under the contract as a person dependent upon, or related to, him.

3. The circumstances in which the insurance terminates and the rights, if any, upon such termination, of the group life insured or of any person whose life is insured under the contract as a person dependent upon, or related to, him.

#### CONDITIONS GOVERNING FORMATION OF CONTRACT

##### Insurable interest

144.—(1) Subject to subsection 2, where at the time a contract would otherwise take effect the insured has no insurable interest, the contract is void.

##### Exceptions

- (2) A contract is not void for lack of insurable interest,
  - (a) if it is a contract of group insurance; or
  - (b) if the person whose life is insured has consented in writing to the insurance being placed on his life.

##### Consent of minor

(3) Where the person whose life is insured is under the age of sixteen years, consent to insurance being placed on his life may be given by one of his parents or by a person standing *in loco parentis* to him.

##### Insurable interest, defined

145. Without restricting the meaning of the expression “insurable interest”, a person has an insurable interest in his own life and in the life of,

- (a) his child or grandchild;
- (b) his spouse;
- (c) any person upon whom he is wholly or in part dependent for, or from whom he is receiving, support or education;
- (d) his employee; and
- (e) any person in the duration of whose life he has a pecuniary interest.

##### Contract taking effect

146.—(1) Subject to any provision to the contrary in the application or the policy, a contract does not take effect unless,

- (a) the policy is delivered to an insured, his assign or agent, or to a beneficiary;
- (b) payment of the first premium is made to the insurer or its authorized agent; and

- (c) no change has taken place in the insurability of the life to be insured between the time the application was completed and the time the policy was delivered.

(2) Where a policy is issued on the terms applied for and is delivered to an agent of the insurer for unconditional delivery to a person referred to in clause *a* of subsection 1, it shall be deemed, but not to the prejudice of the insured, to have been delivered to the insured. <sup>Delivery to agent</sup>

147.—(1) Where a cheque or other bill of exchange, or a promissory note or other written promise to pay, is given for the whole or part of a premium and payment is not made according to its tenor, the premium or part thereof shall be deemed not to have been paid. <sup>Default in paying premium</sup>

(2) Where a remittance for or on account of a premium is sent in a registered letter to an insurer and is received by it, the remittance shall be deemed to have been received at the time of the registration of the letter. <sup>Payment by registered letter</sup>

148.—(1) Except in the case of group insurance, an assignee of a contract, a beneficiary or a person acting on behalf of one of them or of the insured may pay any premium that the insured is entitled to pay. <sup>Who may pay premium</sup>

(2) Where a premium, other than the initial premium, is not paid at the time it is due, the premium may be paid within a period of grace of, <sup>Period of grace</sup>

(a) thirty days or, in the case of an industrial contract, twenty-eight days from and excluding the day on which the premium is due; or

(b) the number of days, if any, specified in the contract for payment of an overdue premium,

whichever is the longer period.

(3) Where the happening of the event upon which the insurance money becomes payable occurs during the period of grace and before the overdue premium is paid, the contract shall be deemed to be in effect as if the premium had been paid at the time it was due, but the amount of the premium, together with interest at the rate specified in the contract, but not exceeding 6 per cent per annum, and the balance, if any, of the current year's premium, may be deducted from the insurance money. <sup>Contract in force during grace period</sup>

**Duty to disclose**

149.—(1) An applicant for insurance and a person whose life is to be insured shall each disclose to the insurer in the application, on a medical examination, if any, and in any written statements or answers furnished as evidence of insurability, every fact within his knowledge that is material to the insurance and is not so disclosed by the other.

**Failure to disclose**

(2) Subject to section 150, a failure to disclose, or a misrepresentation of, such a fact renders the contract voidable by the insurer.

**Exceptions**

150.—(1) This section does not apply to a misstatement of age or to disability insurance.

**Incontestability**

(2) Subject to subsection 3, where a contract has been in effect for two years during the lifetime of the person whose life is insured, a failure to disclose, or a misrepresentation of, a fact required to be disclosed by section 149 does not, in the absence of fraud, render the contract voidable.

**Incontestability in group insurance**

(3) In the case of a contract of group insurance, a failure to disclose, or a misrepresentation of, such a fact in respect of a person whose life is insured under the contract does not render the contract voidable, but, if evidence of insurability is specifically requested by the insurer, the insurance in respect of that person is voidable by the insurer unless it has been in effect for two years during the lifetime of that person, in which event it is not, in the absence of fraud, voidable.

**Non-disclosure by insurer**

151. Where an insurer fails to disclose, or misrepresents, a fact material to the insurance, the contract is voidable by the insured, but, in the absence of fraud, the contract is not by reason of such failure or misrepresentation voidable after the contract has been in effect for two years.

**Exceptions**

152.—(1) This section does not apply to a contract of group insurance or of creditor's group insurance.

**Misstatement of age**

(2) Subject to subsection 3, where the age of a person whose life is insured is misstated to the insurer, the insurance money provided by the contract shall be increased or decreased to the amount that would have been provided for the same premium at the correct age.

**Limitation of insurable age**

(3) Where a contract limits the insurable age, and the correct age of the person whose life is insured at the date of the application exceeds the age so limited, the contract is, during the lifetime of that person but not later than five years from the date the contract takes effect, voidable by the insurer within sixty days after it discovers the error.



153. In the case of a contract of group insurance or of creditor's group insurance, a misstatement to the insurer of the age of a person whose life is insured does not of itself render the contract voidable, and the provisions, if any, of the contract with respect to age or misstatement of age apply. <sup>Misstatement of age in group insurance</sup>

154.—(1) Where a contract contains an undertaking, express or implied, that insurance money will be paid if a person whose life is insured commits suicide, the undertaking is lawful and enforceable. <sup>Effect of suicide</sup>

(2) Where a contract provides that in case a person whose life is insured commits suicide within a certain period of time the contract is void or the amount payable under it is reduced, if the contract lapses and is subsequently reinstated on one or more occasions, the period of time commences to run from the date of the latest reinstatement. <sup>Suicide and reinstatement</sup>

155.—(1) This section does not apply to a contract of group insurance or to a contract made by a fraternal society. <sup>Exceptions</sup>

(2) Where a contract lapses and the insured within two years applies for reinstatement of the contract, if within that time he, <sup>Reinstatement</sup>

(a) pays the overdue premiums and other indebtedness under the contract to the insurer, together with interest at the rate specified in the contract, but not exceeding 6 per cent per annum, compounded annually; and

(b) produces,

(i) evidence satisfactory to the insurer of the good health, and

(ii) other evidence satisfactory to the insurer of the insurability,

of the person whose life was insured,

the insurer shall reinstate the contract.

(3) Subsection 2 does not apply where the cash surrender value has been paid or an option of taking paid-up or extended insurance has been exercised. <sup>Exceptions</sup>

(4) Sections 149 and 150 apply *mutatis mutandis* to reinstatement of a contract. <sup>Application of other sections</sup>

## DESIGNATION OF BENEFICIARIES

**Designation of beneficiary** 156.—(1) An insured may in a contract or by a declaration designate his personal representative or a beneficiary to receive insurance money.

**Change in designation** (2) Subject to section 157, the insured may from time to time alter or revoke the designation by a declaration.

**Meaning of "heirs", etc.** (3) A designation in favour of the "heirs", "next of kin" or "estate" of the insured, or the use of words of like import in a designation, shall be deemed to be a designation of the personal representative of the insured.

**Designation of beneficiary irrevocably** 157.—(1) An insured may in a contract, or by a declaration, other than a declaration that is part of a will, filed with the insurer at its head or principal office in Canada during the lifetime of the person whose life is insured, designate a beneficiary irrevocably, and in that event the insured, while the beneficiary is living, may not alter or revoke the designation without the consent of the beneficiary and the insurance money is not subject to the control of the insured or of his creditors and does not form part of his estate.

**Attempted designation** (2) Where the insured purports to designate a beneficiary irrevocably in a will or in a declaration that is not filed as provided in subsection 1, the designation has the same effect as if the insured had not purported to make it irrevocable.

**Designation in invalid will** 158.—(1) A designation in an instrument purporting to be a will is not ineffective by reason only of the fact that the instrument is invalid as a will, or that the designation is invalid as a bequest under the will.

**Priorities R.S.O. 1960, c. 433** (2) Notwithstanding *The Wills Act*, a designation in a will is of no effect against a designation made later than the making of the will.

**Revocation** (3) Where a designation is contained in a will, if subsequently the will is revoked by operation of law or otherwise, the designation is thereby revoked.

**Idem** (4) Where a designation is contained in an instrument that purports to be a will, if subsequently the instrument if valid as a will would be revoked by operation of law or otherwise, the designation is thereby revoked.

**Trustee for beneficiary** 159.—(1) An insured may in a contract or by a declaration appoint a trustee for a beneficiary and may alter or revoke the appointment by a declaration.

(2) A payment made by an insurer to a trustee for a beneficiary discharges the insurer to the extent of the payment. Payment to trustee

160.—(1) Where a beneficiary predeceases the person whose life is insured, and no disposition of the share of the deceased beneficiary in the insurance money is provided in the contract or by a declaration, the share is payable, Beneficiary predeceasing life insured

(a) to the surviving beneficiary; or

(b) if there is more than one surviving beneficiary, to the surviving beneficiaries in equal shares; or

(c) if there is no surviving beneficiary, to the insured or his personal representative.

(2) Where two or more beneficiaries are designated otherwise than alternatively, but no division of the insurance money is made, the insurance money is payable to them in equal shares. Several beneficiaries

161. A beneficiary may enforce for his own benefit, and a trustee appointed pursuant to section 159 may enforce as trustee, the payment of insurance money made payable to him in the contract or by a declaration and in accordance with the provisions thereof, but the insurer may set up any defence that it could have set up against the insured or his personal representative. Right to sue

162.—(1) Where a beneficiary is designated, the insurance money, from the time of the happening of the event upon which the insurance money becomes payable, is not part of the estate of the insured and is not subject to the claims of the creditors of the insured. Insurance money free from creditors

(2) While a designation in favour of a spouse, child, grand-child or parent of a person whose life is insured, or any of them, is in effect, the rights and interests of the insured in the insurance money and in the contract are exempt from execution or seizure. Contract exempt from seizure

#### DEALINGS WITH CONTRACT DURING LIFETIME OF INSURED

163. Where a beneficiary, Insured dealing with contract

(a) is not designated irrevocably; or

(b) is designated irrevocably but has attained the age of twenty-one years and consents,

the insured may assign, exercise rights under or in respect of, surrender or otherwise deal with the contract as provided therein or in this Part or as may be agreed upon with the insurer.

Insured  
entitled to  
dividends

164.—(1) Notwithstanding the designation of a beneficiary irrevocably, the insured is entitled while living to the dividends or bonuses declared on a contract, unless the contract otherwise provides.

Insurer  
may use  
dividends

(2) Unless the insured otherwise directs, the insurer may apply the dividends or bonuses declared on the contract for the purpose of keeping the contract in force.

Transfer of  
ownership  
R.S.O. 1960,  
c. 433

165.—(1) Notwithstanding *The Wills Act*, where in a contract or in an agreement in writing between an insurer and an insured it is provided that a person named in the contract or in the agreement has, upon the death of the insured, the rights and interests of the insured in the contract,

- (a) the rights and interests of the insured in the contract do not, upon the death of the insured, form part of his estate; and
- (b) upon the death of the insured, the person named in the contract or in the agreement has the rights and interests given to the insured by the contract and by this Part and shall be deemed to be the insured.

Successive  
owners

(2) Where the contract or agreement provides that two or more persons named in the contract or in the agreement shall, upon the death of the insured, have successively, on the death of each of them, the rights and interests of the insured in the contract, this section applies successively, *mutatis mutandis*, to each of such persons and to his rights and interests in the contract.

Saving

(3) Notwithstanding any nomination made pursuant to this section, the insured may, prior to his death, assign, exercise rights under or in respect of, surrender or otherwise deal with the contract as if the nomination had not been made, and may alter or revoke the nomination by agreement in writing with the insurer.

Interest of  
assignee

166.—(1) Where an assignee of a contract gives notice in writing of the assignment to the insurer at its head or principal office in Canada, he has priority of interest as against,

- (a) any assignee other than one who gave notice earlier in like manner; and

- (b) a beneficiary other than one designated irrevocably as provided in section 157 prior to the time the assignee gave notice to the insurer of the assignment in the manner prescribed in this subsection.

(2) Where a contract is assigned as security, the rights of <sup>Effect on beneficiary's rights</sup> a beneficiary under the contract are affected only to the extent necessary to give effect to the rights and interests of the assignee.

(3) Where a contract is assigned unconditionally and other- <sup>Assignee deemed to be insured</sup> wise than as security, the assignee has all the rights and interests given to the insured by the contract and by this Part and shall be deemed to be the insured.

(4) A provision in a contract to the effect that the rights <sup>Prohibition against assignment</sup> or interests of the insured, or, in the case of group insurance, the group life insured, are not assignable is valid.

167. A group life insured may in his own name enforce a <sup>Group life insured, enforcing rights</sup> right given to him under a contract, subject to any defence available to the insurer against him or against the insured.

#### MINORS

168. Except in respect of his rights as beneficiary, a minor <sup>Capacity of minors</sup> who has attained the age of sixteen years has the capacity of a person of the age of twenty-one years,

(a) to make an enforceable contract; and

(b) in respect of a contract.

169. A beneficiary who has attained the age of eighteen <sup>Capacity of minor beneficiary</sup> years has the capacity of a person of the age of twenty-one years to receive insurance money payable to him and to give a discharge therefor.

#### PROCEEDINGS UNDER CONTRACT

170. Where an insurer receives sufficient evidence of, <sup>Proof of claim</sup>

(a) the happening of the event upon which insurance money becomes payable;

(b) the age of the person whose life is insured;

(c) the right of the claimant to receive payment; and

(d) the name and age of the beneficiary, if there is a beneficiary,

it shall, within thirty days after receiving the evidence, pay the insurance money to the person entitled thereto.

**Place of  
payment**

171.—(1) Subject to subsection 4, insurance money is payable in Ontario.

**Dollars**

(2) Unless a contract otherwise provides, a reference therein to dollars means Canadian dollars.

**Payment  
outside  
Ontario**

(3) Where a person entitled to receive insurance money is not domiciled in Ontario, the insurer may pay the insurance money to that person or to any other person who is entitled to receive it on his behalf by the law of the domicile of the payee.

**Exception  
for group  
insurance**

(4) In the case of a contract of group insurance, insurance money is payable in the province or territory of Canada in which the group life insured was resident at the time he became insured.

**Action in  
Ontario**

172. Notwithstanding where a contract was made, an action on it may be brought in a court by a resident of Ontario if the insurer was authorized to transact insurance in Ontario at the time the contract was made or at the time the action is brought.

**Limitation  
of action**

173.—(1) Subject to subsection 2, an action or proceeding against an insurer for the recovery of insurance money shall not be commenced more than one year after the furnishing of the evidence required by section 170 or more than six years after the happening of the event upon which the insurance money becomes payable, whichever period first expires.

**Exception**

(2) Where a declaration has been made under section 176, an action or proceeding to which reference is made in subsection 1 shall not be commenced more than one year after the date of the declaration.

**Documents  
affecting  
title**

174.—(1) Until an insurer receives at its head or principal office in Canada an instrument or an order of a court affecting the right to receive insurance money, or a notarial copy, or a copy verified by statutory declaration, of any such instrument or order, it may make payment of the insurance money and shall be as fully discharged to the extent of the amount paid as if there were no such instrument or order.

**Saving**

(2) Subsection 1 does not affect the rights or interests of any person other than the insurer.

175. Where an insurer admits the validity of the insurance but does not admit the sufficiency of the evidence required by section 170 and there is no other question in issue except a question under section 176, the insurer or the claimant may, before or after action is brought and upon at least thirty days notice, apply to the court for a declaration as to the sufficiency of the evidence furnished, and the court may make the declaration or may direct what further evidence shall be furnished and on the furnishing thereof may make the declaration or, in special circumstances, may dispense with further evidence.

Declaration  
as to  
sufficiency  
of proof

176. Where a claimant alleges that the person whose life is insured should be presumed to be dead by reason of his not having been heard of for seven years and there is no other question in issue except a question under section 175, the insurer or the claimant may, before or after action is brought and upon at least thirty days notice, apply to the court for a declaration as to presumption of the death and the court may make the declaration.

Declaration  
as to pre-  
sumption  
of death

177.—(1) Upon making a declaration under section 175 or 176, the court may make such order respecting the payment of the insurance money and respecting costs as it deems just and, subject to section 179, a declaration or direction or order made under this subsection is binding upon the applicant and upon all persons to whom notice of the application has been given.

Court  
may make  
order

(2) A payment made under an order made under subsection 1 discharges the insurer to the extent of the amount paid.

Payment  
under  
order

178. Unless the court otherwise orders, an application made under section 175 or 176 operates as a stay of any pending action with respect to the insurance money.

Stay of  
proceedings

179. An appeal lies to the Court of Appeal from any declaration, direction or order made under section 175, section 176 or subsection 1 of section 177.

Appeal

180. Where the court finds that the evidence furnished under section 170 is not sufficient or that a presumption of death is not established, it may order that the matters in issue be decided in an action brought or to be brought, or may make such other order as it deems just respecting further evidence to be furnished by the claimant, publication of advertisements, further inquiry or any other matter or respecting costs.

Power  
of court

181. Where an insurer admits liability for insurance money and it appears to the insurer that,

Payment  
into court

- (a) there are adverse claimants; or
- (b) the whereabouts of a person entitled is unknown; or
- (c) there is no person capable of giving and authorized to give a valid discharge therefor, who is willing to do so,

the insurer may, at any time after thirty days from the date of the happening of the event upon which the insurance money becomes payable, apply to the court *ex parte* for an order for payment of the money into court, and the court may upon such notice, if any, as it thinks necessary make an order accordingly.

Simul-  
taneous  
deaths

182. Unless a contract or a declaration otherwise provides, where the person whose life is insured and a beneficiary die at the same time or in circumstances rendering it uncertain which of them survived the other, the insurance money is payable in accordance with subsection 1 of section 160 as if the beneficiary had predeceased the person whose life is insured.

Insurance  
money  
payable in  
instalments

183.—(1) Subject to subsections 2 and 3, where insurance money is payable in instalments and a contract, or an instrument signed by the insured and delivered to the insurer, provides that a beneficiary has not the right to commute the instalments or to alienate or assign his interest therein, the insurer shall not, unless the insured subsequently directs otherwise in writing, commute the instalments or pay them to any person other than the beneficiary, and the instalments are not, in the hands of the insurer, subject to any legal process except an action to recover the value of necessities supplied to the beneficiary or his infant children.

Commuta-  
tion by  
beneficiary

(2) A court may, upon the application of a beneficiary and upon at least ten days notice, declare that in view of special circumstances,

- (a) the insurer may, with the consent of the beneficiary, commute instalments of insurance money; or
- (b) the beneficiary may alienate or assign his interest in the insurance money.

Commuta-  
tion after  
death of  
beneficiary

(3) After the death of the beneficiary, his personal representative may, with the consent of the insurer, commute any instalments of insurance money payable to the beneficiary.

Interpre-  
tation

(4) In this section, "instalments" includes insurance money held by the insurer under section 184.



- 184.—(1) An insurer may hold insurance money, <sup>Insurer holding insurance money</sup>
- (a) subject to the order of an insured or a beneficiary; or
- (b) upon trusts or other agreements for the benefit of the insured or the beneficiary,

as provided in the contract, by an agreement in writing to which it is a party, or by a declaration, with interest at a rate agreed upon therein or, where no rate is agreed upon, at the rate declared from time to time by the insurer in respect of insurance money so held by it.

(2) The insurer is not bound to hold insurance money as <sup>Exception</sup> provided in subsection 1 under the terms of a declaration to which it has not agreed in writing.

185. Where an insurer does not within thirty days after <sup>Court may order payment</sup> receipt of the evidence required by section 170 pay the insurance money to some person competent to receive it or into court, the court may, upon application of any person, order that the insurance money or any part thereof be paid into court, or may make such other order as to the distribution of the money as it deems just, and payment made in accordance with the order discharges the insurer to the extent of the amount paid.

186. The court may fix without taxation the costs incurred <sup>Costs</sup> in connection with an application or order made under section 181 or 185, and may order them to be paid out of the insurance money or by the insurer or the applicant or otherwise as it deems just.

187.—(1) Where an insurer admits liability for insurance money payable to a minor and there is no person capable of <sup>Where beneficiary a minor</sup> giving and authorized to give a discharge therefor, who is willing to do so, the insurer may at any time after thirty days from the date of the happening of the event upon which the insurance money becomes payable pay the money, less the applicable costs mentioned in subsection 2, into court to the credit of the minor.

(2) The insurer may retain out of the insurance money <sup>Costs</sup> for costs incurred upon payment into court under subsection 1 the sum of \$10, where the amount does not exceed \$1,000, and the sum of \$15 in other cases, and payment of the remainder of the money into court discharges the insurer.

(3) No order is necessary for payment into court under <sup>Procedure</sup> subsection 1, but the accountant or other proper officer shall receive the money upon the insurer filing with him an affidavit

showing the amount payable and the name, date of birth and residence of the minor, and, upon such payment being made, the insurer shall forthwith notify the Official Guardian and deliver to him a copy of the affidavit.

Beneficiary  
under  
disability

188. Where it appears that a representative of a beneficiary who is under disability may under the law of the domicile of the beneficiary accept payments on behalf of the beneficiary, the insurer may make payment to the representative and any such payment discharges the insurer to the extent of the amount paid.

#### MISCELLANEOUS PROVISIONS

Presump-  
tion against  
agency

189. No officer, agent or employee of an insurer and no person soliciting insurance, whether or not he is an agent of the insurer, shall, to the prejudice of the insured, be deemed to be the agent of the insured in respect of any question arising out of a contract.

Insurer  
giving  
information

190. An insurer does not incur any liability for any default, error or omission in giving or withholding information as to any notice or instrument that it has received and that affects the insurance money.

R.S.O. 1960,  
c. 190, s. 218,  
re-enacted

5. Section 218 of *The Insurance Act* is repealed and the following substituted therefor:

Minimum  
liability  
under policy

218.—(1) Every owner's policy and driver's policy shall insure, in respect of any one accident, to the limit of at least \$35,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons and loss of or damage to property.

Priorities

- (2) Where in any one accident liability results from bodily injury or death and loss of or damage to property,
  - (a) claims arising out of bodily injury or death have priority to an amount of \$30,000 over claims arising out of loss of or damage to property; and
  - (b) claims arising out of loss of or damage to property have priority to an amount of \$5,000 over claims arising out of bodily injury or death.

Application

- (3) Subsections 1 and 2 apply to every owner's policy and every driver's policy that is written or renewed effective on or after the 1st day of June, 1962, and,

where any owner's or driver's policy previously issued and in effect on that date insures for amounts less than those set out in subsections 1 and 2, it shall be deemed to insure for the amounts set out in subsections 1 and 2 from and after the 1st day of October, 1962.

**6.** *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 190,  
amended

218a. An insurer that issues or delivers a motor vehicle liability policy in Ontario, or any renewal thereof, or any evidence of the continuation of such policy, shall issue a certificate evidencing such insurance. Certificate  
of  
insurance

**7.** Clause *d* of subsection 2 of section 228 of *The Insurance Act* is amended by striking out "double indemnity" and inserting in lieu thereof "accidental death", so that the clause shall read as follows: R.S.O. 1960,  
c. 190,  
s. 228,  
subs. 2, cl. d  
amended

(d) accidental death insurance; or

. . . . .

**8.**—(1) This Act, except sections 1 to 4 and 7, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Sections 1 to 4 and 7 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

**9.** This Act may be cited as *The Insurance Amendment Act*, 1961-62. Short title

SB 144  
An Act to amend  
The Insurance Act

---

*1st Reading*

March 30th, 1962

*2nd Reading*

April 6th, 1962

*3rd Reading*

April 17th, 1962

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MR. ROBERTS

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# **BILL 145**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Public Commercial Vehicles Act**

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**MR. ROWNTREE**

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#### EXPLANATORY NOTES

**SECTION 1.** The amendments include dual-purpose vehicles such as station wagons in the definition of commercial motor vehicle for the purposes of the Act.

**SECTION 2.** Subsection 2 of section 2 is re-enacted to add the new clauses *b* and *c*.

BILL 145

1961-62

## An Act to amend The Public Commercial Vehicles Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Public Commercial Vehicles Act* R.S.O. 1960, c. 319, s. 1, amended is amended by adding thereto the following clause:

- (ca) "dual-purpose vehicle" means a motor vehicle, other than one commonly known as a passenger car, designed by the manufacturer for the transportation of persons and goods.

(2) Clause *i* of the said section 1 is amended by inserting after "Act" in the third line "or a dual-purpose vehicle", so that the clause shall read as follows: R.S.O. 1960, c. 319, s. 1, cl. i, amended

- (i) "public commercial vehicle" means a commercial motor vehicle or trailer as defined in *The Highway Traffic Act* or a dual-purpose vehicle, operated on a highway by, for, or on behalf of any person for the transportation for compensation of goods of any other person and not confined in its operation to one urban zone, but does not include a commercial motor vehicle or trailer used only for the transportation from a farm or forest of goods other than live stock and milk that are the product of such farm or forest. R.S.O. 1960, c. 172

2. Subsection 2 of section 2 of *The Public Commercial Vehicles Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 319, s. 2, subs. 2, re-enacted

- (2) Where the owner of a commercial motor vehicle leases such vehicle to another person to be operated on a highway for the transportation of goods, the lessor of such vehicle is deemed to be operating a public commercial vehicle where, Lessor of vehicles operated for transportation of goods

- (a) the lessor of such vehicle engages or pays directly or indirectly the driver of such vehicle; or
- (b) the lessor in any manner whatsoever exercises any control over the driver in the course of his employment as a driver of such vehicle; or
- (c) the lessee of such vehicle does not acquire or exercise absolute possession and control over the operation of the vehicle for the transportation of goods while the vehicle is being operated under the lease.

R.S.O. 1960, c. 319, amended **3. The Public Commercial Vehicles Act** is amended by adding thereto the following section:

Interpretation

R.S.O. 1960, c. 172

2a.—(1) In this section, "lease" includes a transfer of the permit issued for a commercial motor vehicle under *The Highway Traffic Act* where the permit is transferred by the registered owner of the vehicle to a shipper or consignor of goods that are to be transported on the vehicle, subject to an agreement to retransfer the permit to the owner.

Hearing re transportation of goods by a vehicle under a lease

(2) Where goods are transported on a highway by a commercial motor vehicle that is operated under a lease to the shipper or consignor of such goods, the Minister may direct the Board to conduct a hearing of the facts relating to the transportation for the purpose of determining whether or not the vehicle transporting the goods is deemed to be a public commercial vehicle under subsection 2 of section 2 and sections 9 and 10 of *The Ontario Highway Transport Board Act* apply in respect of such hearing.

R.S.O. 1960, c. 273

Copy of decision to Minister

(3) Where the Board conducts a hearing under subsection 2, the Board shall furnish to the Minister a copy of its decision.

Where vehicle deemed a commercial motor vehicle

(4) Where, under subsection 2, the Board determines that a vehicle is deemed to be a public commercial vehicle under subsection 2 of section 2, the Minister may, under subsection 3 of section 6 of *The Highway Traffic Act*, cancel the permit of any vehicle operated under the lease.

R.S.O. 1960, c. 319, s. 4, subs. 3, repealed

**4. Subsection 3 of section 4 of *The Public Commercial Vehicles Act* is repealed.**



SECTION 3. Subsection 2 of section 2 of *The Public Commercial Vehicles Act*, as re-enacted by section 2 of this Bill, provides that a lessor of a commercial motor vehicle to be used for the transportation of goods is, where he exercises control over the driver and the operation of the vehicle, deemed to be operating a public commercial vehicle.

The new section 2a provides for a hearing by the Board to determine in certain cases whether or not a vehicle operated under a lease is deemed to be a public commercial vehicle under subsection 2 of section 2.

SECTIONS 4 and 5. The amendments provide that an operating licence cannot be transferred without the approval of the Board and payment of a transfer fee.

SECTION 6. At present, the Minister may require the directors of a corporation that is the holder of an operating licence to present any issue or transfer of shares to the Board for approval, and the Board may decide whether or not such issue or transfer constitutes a transfer of the operating licence. The authority of the Minister to require the presentation is transferred to the Board. Also, where an operating licence is deemed to be transferred, the transfer fees are required to be paid forthwith.

SECTION 7. The Lieutenant Governor in Council is authorized to provide by regulation for certain exemptions in respect of the payment of fees for the transfer of operating licences.

**5.** *The Public Commercial Vehicles Act* is amended by R.S.O. 1960, c. 319, amended adding thereto the following section:

- 4a. No operating licence shall be transferred without the written approval of the Board and payment of the fee prescribed under the regulations, and the Board is not bound to grant approval under any circumstances.

**6.** Section 5 of *The Public Commercial Vehicles Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 319, s. 5, re-enacted

5. The Board may in its discretion require the directors of a corporation that is the holder of an operating licence to present to the Board for approval any issue or transfer of shares of its capital stock, and, where, in the opinion of the Board, a substantial interest is issued or transferred, such issue or transfer shall be deemed to constitute a transfer of all operating licences held by such corporation, and the corporation shall forthwith pay the fees prescribed by the regulations for the transfer of operating licences.

**7.** Section 16 of *The Public Commercial Vehicles Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 319, s. 16, amended

- (ba) exempting any person or the holder of any class or type of operating licence from the payment of fees respecting the transfer of an operating licence.

**8.** This Act comes into force on the 1st day of July, 1962. Commence-  
ment

**9.** This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1961-62.* Short title

An Act to amend  
The Public Commercial Vehicles Act

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*1st Reading*

April 2nd, 1962

*2nd Reading*

*3rd Reading*

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MR. ROWNTREE

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# **BILL 145**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Public Commercial Vehicles Act**

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**MR. ROWNTREE**

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BILL 145

1961-62

## An Act to amend The Public Commercial Vehicles Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Public Commercial Vehicles Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 319, s. 1,  
amended

(ca) "dual-purpose vehicle" means a motor vehicle, other than one commonly known as a passenger car, designed by the manufacturer for the transportation of persons and goods.

(2) Clause *i* of the said section 1 is amended by inserting after "Act" in the third line "or a dual-purpose vehicle", so that the clause shall read as follows: R.S.O. 1960,  
c. 319, s. 1,  
cl. i,  
amended

(i) "public commercial vehicle" means a commercial motor vehicle or trailer as defined in *The Highway Traffic Act* or a dual-purpose vehicle, operated on a highway by, for, or on behalf of any person for the transportation for compensation of goods of any other person and not confined in its operation to one urban zone, but does not include a commercial motor vehicle or trailer used only for the transportation from a farm or forest of goods other than live stock and milk that are the product of such farm or forest. R.S.O. 1960,  
c. 172

2. Subsection 2 of section 2 of *The Public Commercial Vehicles Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 319, s. 2,  
subs. 2,  
re-enacted

(2) Where the owner of a commercial motor vehicle leases such vehicle to another person to be operated on a highway for the transportation of goods, the lessor of such vehicle is deemed to be operating a public commercial vehicle where, Lessor of  
vehicles  
operated for  
transporta-  
tion of goods

- (a) the lessor of such vehicle engages or pays directly or indirectly the driver of such vehicle; or
- (b) the lessor in any manner whatsoever exercises any control over the driver in the course of his employment as a driver of such vehicle; or
- (c) the lessee of such vehicle does not acquire or exercise absolute possession and control over the operation of the vehicle for the transportation of goods while the vehicle is being operated under the lease.

R.S.O. 1960, c. 319, amended      **3.** *The Public Commercial Vehicles Act* is amended by adding thereto the following section:

Interpretation

R.S.O. 1960, c. 172

2a.—(1) In this section, "lease" includes a transfer of the permit issued for a commercial motor vehicle under *The Highway Traffic Act* where the permit is transferred by the registered owner of the vehicle to a shipper or consignor of goods that are to be transported on the vehicle, subject to an agreement to retransfer the permit to the owner.

Hearing re transportation of goods by a vehicle under a lease

(2) Where goods are transported on a highway by a commercial motor vehicle that is operated under a lease to the shipper or consignor of such goods, the Minister may direct the Board to conduct a hearing of the facts relating to the transportation for the purpose of determining whether or not the vehicle transporting the goods is deemed to be a public commercial vehicle under subsection 2 of section 2 and sections 9 and 10 of *The Ontario Highway Transport Board Act* apply in respect of such hearing.

R.S.O. 1960, c. 273

Copy of decision to Minister

(3) Where the Board conducts a hearing under subsection 2, the Board shall furnish to the Minister a copy of its decision.

Where vehicle deemed a commercial motor vehicle

(4) Where, under subsection 2, the Board determines that a vehicle is deemed to be a public commercial vehicle under subsection 2 of section 2, the Minister may, under subsection 3 of section 6 of *The Highway Traffic Act*, cancel the permit of any vehicle operated under the lease.

R.S.O. 1960, c. 319, s. 4, subs. 3, repealed

**4.** Subsection 3 of section 4 of *The Public Commercial Vehicles Act* is repealed.



**5.** *The Public Commercial Vehicles Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 319,  
amended

- 4a. No operating licence shall be transferred without the written approval of the Board and payment of the fee prescribed under the regulations, and the Board is not bound to grant approval under any circumstances. Approval  
and fee on  
transfer  
of licence

**6.** Section 5 of *The Public Commercial Vehicles Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 319, s. 5,  
re-enacted

5. The Board may in its discretion require the directors of a corporation that is the holder of an operating licence to present to the Board for approval any issue or transfer of shares of its capital stock, and, where, in the opinion of the Board, a substantial interest is issued or transferred, such issue or transfer shall be deemed to constitute a transfer of all operating licences held by such corporation, and the corporation shall forthwith pay the fees prescribed by the regulations for the transfer of operating licences. Issue or  
transfer of  
shares of  
corporation

**7.** Section 16 of *The Public Commercial Vehicles Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 319, s. 16,  
amended

- (ba) exempting any person or the holder of any class or type of operating licence from the payment of fees respecting the transfer of an operating licence.

**8.** This Act comes into force on the 1st day of July, 1962. Commence-  
ment

**9.** This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1961-62.* Short title



100

THE HISTORY OF THE  
PROVINCE OF NEW YORK

An Act to amend  
The Public Commercial Vehicles Act

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*1st Reading*

April 2nd, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 17th, 1962

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MR. ROWNTREE

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**BILL 146**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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**An Act to amend  
The Ontario Highway Transport Board Act**

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MR. ROWNTREE

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#### EXPLANATORY NOTES

SECTION 1. The amendment provides for the appointment of two vice-chairmen instead of one as at present.

SECTIONS 2 and 3. The amendments permit the chairman to authorize one member to hold a hearing on an application before the Board, and provide that his report may be adopted as an order of the Board by two members, one of whom shall be the chairman or a vice-chairman.

BILL 146

1961-62

## An Act to amend The Ontario Highway Transport Board Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Ontario Highway Transport Board Act* is amended by striking out "one of them as vice-chairman" in the third line and inserting in lieu thereof "not more than two of them as vice-chairmen", so that the subsection shall read as follows: R.S.O. 1960,  
c. 273, s. 2,  
subs. 2,  
amended

(2) The members shall be appointed by the Lieutenant Governor in Council and one of them shall be designated as chairman and not more than two of them as vice-chairmen. Appointment

2. Section 5 of *The Ontario Highway Transport Board Act* is amended by adding at the commencement thereof "Subject to section 5a", so that the section shall read as follows: R.S.O. 1960,  
c. 273, s. 5,  
amended

5. Subject to section 5a, two members of the board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the board. Quorum

3. *The Ontario Highway Transport Board Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 273,  
amended

5a.—(1) The chairman may authorize one member of the Board to conduct the hearing of an application and to report to the Board, and such member has all the powers of the Board for the purpose of such hearing. One member  
may conduct  
hearing

(2) The report of such member may be adopted as the order of the Board by two members of the Board, one of whom shall be the chairman or a vice-chairman, or may be otherwise dealt with as the Board deems proper. Report

R.S.O. 1960,  
c. 273, s. 20,  
re-enacted

**4.** Section 20 of *The Ontario Highway Transport Board Act*, as amended by section 1 of *The Ontario Highway Transport Board Amendment Act, 1960-61*, is repealed and the following substituted therefor:

L.G. in C.  
may confirm,  
vary or  
rescind  
orders

**20.** Upon the petition of any party or person interested, filed with the clerk of the Executive Council within sixty days after the date of any order or decision of the Board, the Lieutenant Governor in Council may,

(a) confirm, vary or rescind the whole or any part of such order or decision; or

(b) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Ontario Highway Transport Board Amendment Act, 1961-62*.



SECTION 4. Section 20, which provides for an appeal from a decision of the Board to the Lieutenant Governor in Council, is revised in line with a similar provision dealing with appeals to the Lieutenant Governor in Council from a decision of the Ontario Municipal Board. See Bill 80.



THE UNIVERSITY OF CHICAGO

1901

An Act to amend  
The Ontario Highway Transport Board Act

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*1st Reading*

April 2nd, 1962

*2nd Reading*

*3rd Reading*

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MR. ROWNTREE

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# **BILL 146**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

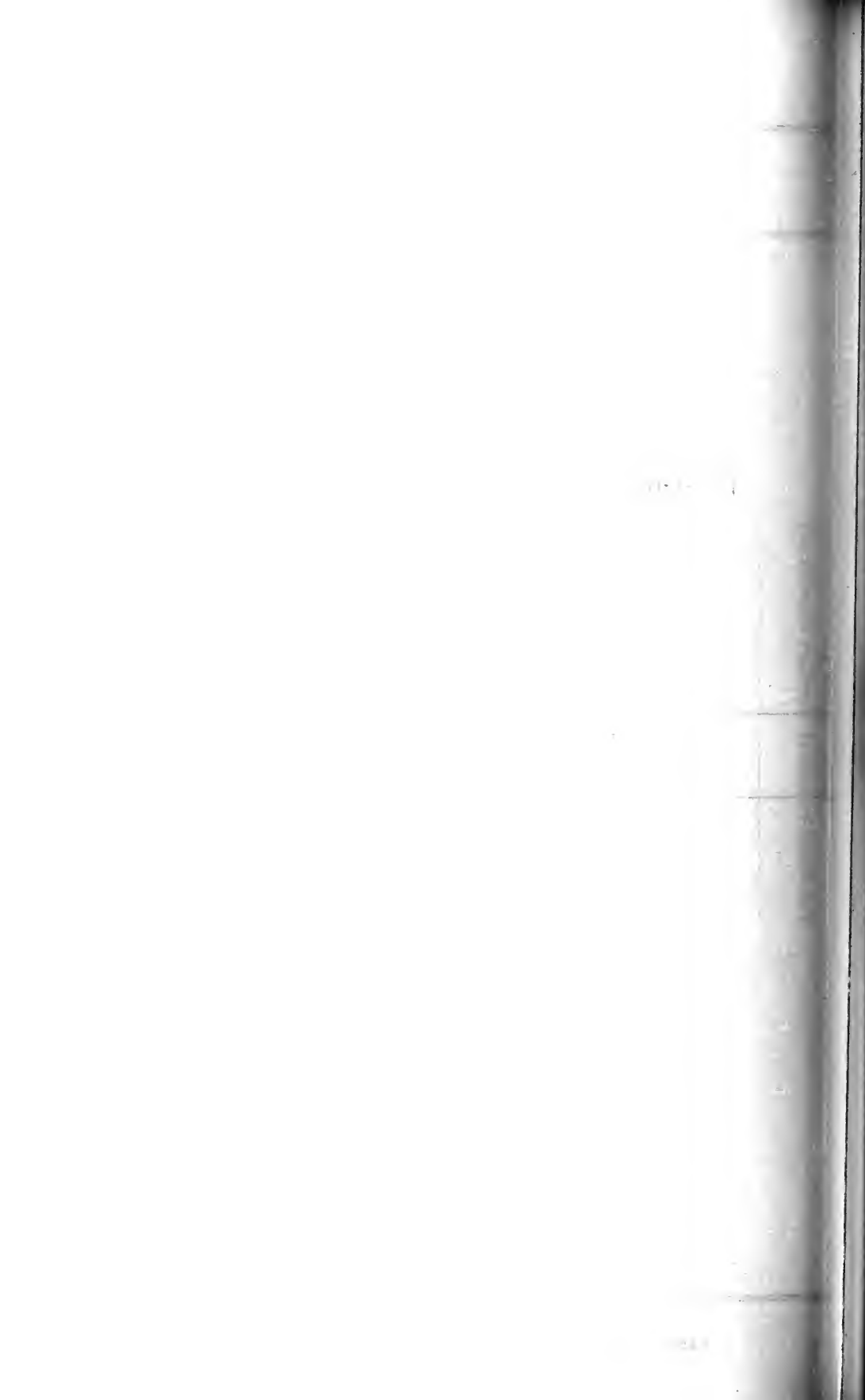
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## **An Act to amend The Ontario Highway Transport Board Act**

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MR. ROWNTREE

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## BILL 146

1961-62

## An Act to amend The Ontario Highway Transport Board Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Ontario Highway Transport Board Act* is amended by striking out "one of them as vice-chairman" in the third line and inserting in lieu thereof "not more than two of them as vice-chairmen", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 273, s. 2,  
subs. 2,  
amended

(2) The members shall be appointed by the Lieutenant Governor in Council and one of them shall be designated as chairman and not more than two of them as vice-chairmen.

Appointment

2. Section 5 of *The Ontario Highway Transport Board Act* is amended by adding at the commencement thereof "Subject to section 5a", so that the section shall read as follows:

R.S.O. 1960,  
c. 273, s. 5,  
amended

5. Subject to section 5a, two members of the board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the board.

Quorum

3. *The Ontario Highway Transport Board Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 273,  
amended

5a.—(1) The chairman may authorize one member of the Board to conduct the hearing of an application and to report to the Board, and such member has all the powers of the Board for the purpose of such hearing.

One member  
may conduct  
hearing

(2) The report of such member may be adopted as the order of the Board by two members of the Board, one of whom shall be the chairman or a vice-chairman, or may be otherwise dealt with as the Board deems proper.

Report

R.S.O. 1960,  
c. 273, s. 20,  
re-enacted

**4.** Section 20 of *The Ontario Highway Transport Board Act*, as amended by section 1 of *The Ontario Highway Transport Board Amendment Act, 1960-61*, is repealed and the following substituted therefor:

L.G. in C.  
may confirm,  
vary or  
rescind  
orders

20. Upon the petition of any party or person interested, filed with the clerk of the Executive Council within sixty days after the date of any order or decision of the Board, the Lieutenant Governor in Council may,

(a) confirm, vary or rescind the whole or any part of such order or decision; or

(b) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Ontario Highway Transport Board Amendment Act, 1961-62*.





1871-1872



An Act to amend  
The Ontario Highway Transport Board Act

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*1st Reading*

April 2nd, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 17th, 1962

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MR. ROWNTREE

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# **BILL 147**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Highway Traffic Act**

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**MR. ROWNTREE**

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#### EXPLANATORY NOTE

This Bill is complementary to Bill 124, An Act respecting Claims for Damages Arising out of Motor Vehicle Accidents. The amount of financial responsibility required is increased to \$35,000.

## BILL 147

1961-62

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 117 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 172, s. 117,  
re-enacted

117. Subject to subsection 3 of section 118, every driver and owner to whom this Part applies shall give proof of financial responsibility in an amount of at least \$35,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property in any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property, Amounts of  
financial  
responsi-  
bility

- (a) claims arising out of bodily injury or death shall have priority over claims arising out of loss of or damage to property to the amount of \$30,000; and
- (b) claims arising out of loss of or damage to property shall have priority over claims arising out of bodily injury or death to the amount of \$5,000,

and, in the case of an owner, such proof shall be given in respect of each motor vehicle registered in his name.

2. Clause *c* of subsection 1 of section 118 of *The Highway Traffic Act* is amended by striking out "\$25,000" in the fourth line and inserting in lieu thereof "\$35,000", so that the clause shall read as follows: R.S.O. 1960,  
c. 172, s. 118,  
subs. 1, cl. c,  
amended

money or  
securities

- (c) the certificate of the Treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in the amount or value of \$35,000 for each motor vehicle registered in the name of such person, and the Treasurer shall accept any such deposits and issue a certificate therefor if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the county or district in which the depositor resides.

R.S.O. 1960,  
c. 172,  
Part XIII  
(ss. 128-142),  
repealed

- 3.** Part XIII of *The Highway Traffic Act*, as amended by sections 13 and 14 of *The Highway Traffic Amendment Act, 1960-61*, is repealed.

Commence-  
ment

- 4.**—(1) This Act, except sections 1 and 2, comes into force on the 1st day of July, 1962.

Idem

- (2) Sections 1 and 2 come into force on the 1st day of October, 1962.

Short title

- 5.** This Act may be cited as *The Highway Traffic Amendment Act, 1961-62* (No. 2).







July 1st 1900  
A. J. J. J. J.

The Illinois Electric Act

An Act to amend  
The Highway Traffic Act

*1st Reading*

April 2nd, 1962

*2nd Reading*

*3rd Reading*

MR. ROWNTREE

# **BILL 147**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Highway Traffic Act**

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**MR. ROWNTREE**

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2000

## BILL 147

1961-62

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 117 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 172, s. 117,  
re-enacted

117. Subject to subsection 3 of section 118, every driver and owner to whom this Part applies shall give proof of financial responsibility in an amount of at least \$35,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property in any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property, Amounts of  
financial  
responsi-  
bility

(a) claims arising out of bodily injury or death shall have priority over claims arising out of loss of or damage to property to the amount of \$30,000; and

(b) claims arising out of loss of or damage to property shall have priority over claims arising out of bodily injury or death to the amount of \$5,000,

and, in the case of an owner, such proof shall be given in respect of each motor vehicle registered in his name.

2. Clause c of subsection 1 of section 118 of *The Highway Traffic Act* is amended by striking out "\$25,000" in the fourth line and inserting in lieu thereof "\$35,000", so that the clause shall read as follows: R.S.O. 1960,  
c. 172, s. 118,  
subs. 1, cl. c,  
amended

money or  
securities

- (c) the certificate of the Treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in the amount or value of \$35,000 for each motor vehicle registered in the name of such person, and the Treasurer shall accept any such deposits and issue a certificate therefor if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the county or district in which the depositor resides.

R.S.O. 1960,  
c. 172,  
Part XIII  
(ss. 128-142),  
repealed

- 3.** Part XIII of *The Highway Traffic Act*, as amended by sections 13 and 14 of *The Highway Traffic Amendment Act, 1960-61*, is repealed.

Commence-  
ment

- 4.**—(1) This Act, except sections 1 and 2, comes into force on the 1st day of July, 1962.

Idem

- (2) Sections 1 and 2 come into force on the 1st day of October, 1962.

Short title

- 5.** This Act may be cited as *The Highway Traffic Amendment Act, 1961-62* (No. 2).







Am. Acc.

July 30, 1905

1st Receipt

The Receipts of the year

AN ACT TO AMEND  
The Highway Traffic Act

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*1st Reading*

April 2nd, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 17th, 1962

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MR. ROWNTREE

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# **BILL 148**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Conservation Authorities Act**

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**MR. SPOONER**

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#### EXPLANATORY NOTES

SECTIONS 1, 6, 7, 10, 11, 12 and 13. The amendments delete the reference to chief officer throughout the Act.

SECTION 2. The subsection repealed provides for the appointment by the Minister of one member of the Metropolitan Toronto and Region Conservation Authority. Subsection 3 of section 1 of the Act provides for the appointment of not more than three members to an authority where a grant has been made to the authority.

SECTION 3. Section 9 at present provides that, where a new municipality is erected within an area under the jurisdiction of an authority, the Lieutenant Governor in Council may designate it as a participating municipality. The section, as re-enacted, provides for the situation where municipal status or boundaries are changed by annexation or amalgamation.

SECTION 4. Subsection 2 is re-enacted to make it apply to all municipalities rather than only to townships as at present.

SECTION 5. Section 42 at present authorizes the Lieutenant Governor in Council to make grants to authorities. This section is amended (see section 17 of this Bill) to authorize the Minister also to make grants. Subsection 1 of section 12 is amended to provide that, where a grant is made to an authority, either by the Lieutenant Governor in Council or the Minister, the Lieutenant Governor in Council may appoint the chairman.

## BILL 148

1961-62

## An Act to amend The Conservation Authorities Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Conservation Authorities Act* is repealed. R.S.O. 1960,  
c. 62, s. 1,  
cl. *d*,  
repealed

2. Subsection 7 of section 4 of *The Conservation Authorities Act* is repealed. R.S.O. 1960,  
c. 62, s. 4,  
subs. 7,  
repealed

3. Section 9 of *The Conservation Authorities Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 62, s. 9,  
re-enacted

9. Where a new municipality is erected or two or more municipalities are amalgamated or any area is annexed to a municipality and any part of the resulting municipality is within the area over which an authority has jurisdiction, such resulting municipality shall be deemed to have been designated a participating municipality by the Lieutenant Governor in Council. Participating  
municipalities  
following  
annexation,  
etc.

4. Subsection 2 of section 10 of *The Conservation Authorities Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 62, s. 10,  
subs. 2,  
re-enacted

(2) Where part only of a municipality is situated in an area over which an authority has jurisdiction, the number of members appointed for the municipality shall be based on the population of that part only of the municipality, and such population shall be deemed to be the same proportion of the total population of the whole municipality as the number of acres in that part of the municipality is of the total acreage of the municipality. Where part  
only of  
municipality  
under an  
authority

5. Subsection 1 of section 12 of *The Conservation Authorities Act* is amended by striking out "where the Lieutenant Governor in Council makes a grant to an authority, he" in the fourth R.S.O. 1960,  
c. 62, s. 12,  
subs. 1,  
amended

and fifth lines and inserting in lieu thereof "where a grant is made to an authority under section 42, the Lieutenant Governor in Council", so that the subsection shall read as follows:

Chairman,  
vice-  
chairman

- (1) At the first meeting of an authority and thereafter at the first meeting held in each calendar year, the authority shall elect a chairman and a vice-chairman from among themselves, but, where a grant is made to an authority under section 42, the Lieutenant Governor in Council may appoint the chairman.

R.S.O. 1960,  
c. 62, s. 13,  
subs. 1,  
amended

- 6.** Subsection 1 of section 13 of *The Conservation Authorities Act* is amended by striking out "chief officer" in the first line, so that the subsection shall read as follows:

Appoint-  
ment of  
employees

- (1) An authority may appoint a secretary-treasurer and such other employees as it deems necessary who shall hold office during the pleasure of the authority and shall receive such salary or other remuneration as the authority determines, payable out of the funds of the authority.

R.S.O. 1960,  
c. 62, s. 14,  
subs. 2,  
repealed

- 7.** Subsection 2 of section 14 of *The Conservation Authorities Act* is repealed.

R.S.O. 1960,  
c. 62, s. 17,  
cl. c,  
re-enacted

- 8.** Clause *c* of section 17 of *The Conservation Authorities Act* is repealed and the following substituted therefor:

- (*c*) to acquire by purchase, lease or otherwise and without the consent of the owner to enter upon, take or expropriate any land that it may require and, subject to the approval of the Lieutenant Governor in Council, to sell, lease or otherwise dispose of land acquired under this clause or under clause *i*.

R.S.O. 1960,  
c. 62, s. 20,  
subs. 1,  
cl. d,  
re-enacted

- 9.** Clause *d* of subsection 1 of section 20 of *The Conservation Authorities Act* is repealed and the following substituted therefor:

- (*d*) prohibiting or regulating the construction of any building or structure, or the placing or dumping of fill of any kind, in or on a pond or swamp or in any area below the high-water mark of a lake, river, creek or stream.

R.S.O. 1960,  
c. 62, s. 21,  
cl. b,  
amended

- 10.—**(1) Clause *b* of section 21 of *The Conservation Authorities Act* is amended by striking out "chief officer and" in the first and second lines, so that the clause shall read as follows:



SECTION 6. See note to section 1.

SECTION 7. See note to section 1.

SECTION 8. At present, an authority has power to acquire land by purchase or expropriation and to sell or otherwise deal with it. The power of an authority to dispose of land is made subject to the approval of the Lieutenant Governor in Council.

SECTION 9. An authority is now authorized to regulate or prohibit the dumping of fill below the high-water mark of any river or stream. This power is extended to include authority to regulate or prohibit the construction of buildings or structures or the dumping of fill in or on a pond or swamp or below the high-water mark of a lake, river or stream.

SECTION 10. See note to section 1.

SECTION 11. See note to section 1.

SECTION 12. See note to section 1.

- (b) prescribing the powers and duties of the secretary-treasurer.

(2) Subclause i of clause c of the said section 21 is amended by striking out "chief officer and" in the first and second lines, so that the subclause shall read as follows:

R.S.O. 1960,  
c. 62, s. 21,  
cl. c,  
subcl. i,  
amended

- (i) the termination of the services of the secretary-treasurer.

**11.** Subsection 1 of section 22 of *The Conservation Authorities Act* is amended by striking out "chief officer" in the first line, so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,  
c. 62, s. 22,  
subs. 1,  
amended

- (1) An authority may, itself or by its employees or agents for any purpose necessary to any scheme under consideration or undertaken by the authority, enter into and upon any land to whomsoever belonging and survey and take levels of it and make such borings or sink such trial pits as the authority deems necessary, and, subject to the approval of the Minister, for the purposes of any scheme may,

Power to  
enter on  
lands, etc.

. . . . .

**12.—**(1) Subsection 1 of section 24 of *The Conservation Authorities Act* is amended by striking out "and by the chief officer" in the fourth line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 62, s. 24,  
subs. 1,  
amended

- (1) Where an authority desires to expropriate land, it shall cause a plan and description of the land, prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman, to be deposited in the proper registry or land titles office, and the land is thereupon vested in the authority.

Plan to be  
deposited in  
registry or  
land titles  
office

(2) Subsection 4 of the said section 24 is amended by striking out "and the chief officer" in the third line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 62, s. 24,  
subs. 4,  
amended

- (4) In all cases, when any such plan and description, purporting to be signed by the chairman or vice-chairman, are so deposited, they shall be deemed to have been deposited by the direction of the authority and as indicating that the land is required for the carrying out of a scheme, and the plan and description shall not be called in question except by the authority.

Deposit of  
plan

R.S.O. 1960,  
c. 62, s. 34,  
subs. 1,  
amended

**13.** Subsection 1 of section 34 of *The Conservation Authorities Act* is amended by striking out "and the chief officer" in the fourth and fifth lines, so that the subsection shall read as follows:

Affecting  
Crown land

- (1) Where any land required for the carrying out of a scheme or part thereof is Crown land, a plan and description of the land prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman shall be deposited with the Minister of Lands and Forests, and the scheme or part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Lands and Forests.

R.S.O. 1960,  
c. 62, s. 37,  
subs. 3,  
amended

**14.** Subsection 3 of section 37 of *The Conservation Authorities Act* is amended by striking out "the chief officer of the authority" in the fourth and fifth lines and inserting in lieu thereof "a person appointed by the Minister", so that the subsection shall read as follows:

Determina-  
tion of  
compensa-  
tion

- (3) Where the authority and The Hydro-Electric Power Commission of Ontario are unable to agree upon the amount of compensation payable, the amount shall be determined by a committee of three members comprising a person appointed by the Minister, the chief engineer of the Commission and an engineer to be agreed upon by both of them, or, in the event that they are unable to agree, appointed by the Lieutenant Governor in Council, and the engineer so agreed upon or appointed shall act as chairman of the committee, and there is no appeal from the committee, but, after ten annual payments of compensation, the amount of compensation shall be re-determined by a like committee at the request of either the authority or the Commission.

R.S.O. 1960,  
c. 62, s. 38,  
subs. 6,  
amended

**15.** Subsection 6 of section 38 of *The Conservation Authorities Act* is amended by striking out "chief officer" in the fourth line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

Limited  
benefit

- (6) Where the council of a participating municipality is of opinion that the major part of the benefit to be derived from a specific work accrues to a limited area of the municipality, the council, with the approval of the Minister, may by by-law provide that a specified portion of the moneys required to be raised by that municipality for capital expenditure in connection with that work shall be defrayed by a

SECTION 13. See note to section 1.

SECTION 14. A person appointed by the Minister is substituted for the chief officer on a committee to determine compensation as between an authority and the Ontario Hydro.

SECTION 15. Where the council of a participating municipality is of the opinion that the benefit from a work accrues to a limited area, it may, with the approval of the chief officer, levy a special rate for a portion of the cost on the rateable property in the area. The amendment will require the approval of the Minister instead of the chief officer.

SECTION 16. The new section 41a provides for an annual audit of the accounts of every conservation authority.

SECTION 17. At present, the Lieutenant Governor in Council may make grants to authorities. Section 42 is re-enacted to authorize the Minister also to make grants.

special rate upon the rateable property in that area, which area shall be defined in the by-law, and that the balance of such moneys shall be defrayed by a special rate upon the rateable property in the remaining portion of the municipality within the area over which the authority has jurisdiction.

**16.** *The Conservation Authorities Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 62,  
amended

**41a.**—(1) Every authority shall cause its accounts and transactions to be audited annually by a person licensed under *The Public Accountancy Act*. Annual  
audit  
  
R.S.O. 1960,  
c. 317

(2) No person shall be appointed as auditor of an authority who is or during the preceding year was a member of the authority or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the authority other than for services within his professional capacity. Auditor

(3) An authority shall, upon receipt of the auditor's report of his examination of its accounts and transactions, forthwith forward a copy of the report to each participating municipality and to the Minister. Auditor's  
report

**17.** Section 42 of *The Conservation Authorities Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 62, s. 42,  
re-enacted

**42.** Grants may be made to any authority, out of moneys appropriated therefor by the Legislature, by the Lieutenant Governor in Council and by the Minister, provided that grants made to an authority by the Minister in any year for any one purpose shall not exceed \$10,000. Grants

**18.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**19.** This Act may be cited as *The Conservation Authorities Amendment Act, 1961-62 (No. 2)*. Short title

An Act to amend  
The Conservation Authorities Act

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*1st Reading*

April 3rd, 1962

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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# **BILL 148**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Conservation Authorities Act**

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**MR. SPOONER**

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1. nk

BILL 148

1961-62

## An Act to amend The Conservation Authorities Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Conservation Authorities Act* is repealed. R.S.O. 1960,  
c. 62, s. 1,  
cl. 4,  
repealed
2. Subsection 7 of section 4 of *The Conservation Authorities Act* is repealed. R.S.O. 1960,  
c. 62, s. 4,  
subs. 7,  
repealed
3. Section 9 of *The Conservation Authorities Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 62, s. 9,  
re-enacted
  9. Where a new municipality is erected or two or more municipalities are amalgamated or any area is annexed to a municipality and any part of the resulting municipality is within the area over which an authority has jurisdiction, such resulting municipality shall be deemed to have been designated a participating municipality by the Lieutenant Governor in Council. Participating  
municipi-  
palities  
following  
annexation,  
etc.
4. Subsection 2 of section 10 of *The Conservation Authorities Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 62, s. 10,  
subs. 2,  
re-enacted
  - (2) Where part only of a municipality is situated in an area over which an authority has jurisdiction, the number of members appointed for the municipality shall be based on the population of that part only of the municipality, and such population shall be deemed to be the same proportion of the total population of the whole municipality as the number of acres in that part of the municipality is of the total acreage of the municipality. Where part  
only of  
municipality  
under an  
authority
5. Subsection 1 of section 12 of *The Conservation Authorities Act* is amended by striking out "where the Lieutenant Governor in Council makes a grant to an authority, he" in the fourth R.S.O. 1960,  
c. 62, s. 12,  
subs. 1,  
amended

and fifth lines and inserting in lieu thereof "where a grant is made to an authority under section 42, the Lieutenant Governor in Council", so that the subsection shall read as follows:

Chairman,  
vice-  
chairman

- (1) At the first meeting of an authority and thereafter at the first meeting held in each calendar year, the authority shall elect a chairman and a vice-chairman from among themselves, but, where a grant is made to an authority under section 42, the Lieutenant Governor in Council may appoint the chairman.

R.S.O. 1960,  
c. 62, s. 13,  
subs. 1,  
amended

**6.** Subsection 1 of section 13 of *The Conservation Authorities Act* is amended by striking out "chief officer" in the first line, so that the subsection shall read as follows:

Appoint-  
ment of  
employees

- (1) An authority may appoint a secretary-treasurer and such other employees as it deems necessary who shall hold office during the pleasure of the authority and shall receive such salary or other remuneration as the authority determines, payable out of the funds of the authority.

R.S.O. 1960,  
c. 62, s. 14,  
subs. 2,  
repealed

**7.** Subsection 2 of section 14 of *The Conservation Authorities Act* is repealed.

R.S.O. 1960,  
c. 62, s. 17,  
cl. c,  
re-enacted

**8.** Clause *c* of section 17 of *The Conservation Authorities Act* is repealed and the following substituted therefor:

- (c) to acquire by purchase, lease or otherwise and without the consent of the owner to enter upon, take or expropriate any land that it may require and, subject to the approval of the Lieutenant Governor in Council, to sell, lease or otherwise dispose of land acquired under this clause or under clause *i*.

R.S.O. 1960,  
c. 62, s. 20,  
subs. 1,  
cl. d,  
re-enacted

**9.** Clause *d* of subsection 1 of section 20 of *The Conservation Authorities Act* is repealed and the following substituted therefor:

- (d) prohibiting or regulating the construction of any building or structure, or the placing or dumping of fill of any kind, in or on a pond or swamp or in any area below the high-water mark of a lake, river, creek or stream.

R.S.O. 1960,  
c. 62, s. 21,  
cl. b,  
amended

**10.—**(1) Clause *b* of section 21 of *The Conservation Authorities Act* is amended by striking out "chief officer and" in the first and second lines, so that the clause shall read as follows:

- (b) prescribing the powers and duties of the secretary-treasurer.

(2) Subclause i of clause c of the said section 21 is amended by striking out "chief officer and" in the first and second lines, so that the subclause shall read as follows: R.S.O. 1960,  
c. 62, s. 21,  
cl. c,  
subcl. i,  
amended

- (i) the termination of the services of the secretary-treasurer.

**11.** Subsection 1 of section 22 of *The Conservation Authorities Act* is amended by striking out "chief officer" in the first line, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960,  
c. 62, s. 22,  
subs. 1,  
amended

- (1) An authority may, itself or by its employees or agents for any purpose necessary to any scheme under consideration or undertaken by the authority, enter into and upon any land to whomsoever belonging and survey and take levels of it and make such borings or sink such trial pits as the authority deems necessary, and, subject to the approval of the Minister, for the purposes of any scheme may, Power to  
enter on  
lands, etc.

. . . . .

**12.—**(1) Subsection 1 of section 24 of *The Conservation Authorities Act* is amended by striking out "and by the chief officer" in the fourth line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 62, s. 24,  
subs. 1,  
amended

- (1) Where an authority desires to expropriate land, it shall cause a plan and description of the land, prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman, to be deposited in the proper registry or land titles office, and the land is thereupon vested in the authority. Plan to be  
deposited in  
registry or  
land titles  
office

(2) Subsection 4 of the said section 24 is amended by striking out "and the chief officer" in the third line, so that the subsection shall read as follows: R.S.O. 1960,  
c. 62, s. 24,  
subs. 4,  
amended

- (4) In all cases, when any such plan and description, purporting to be signed by the chairman or vice-chairman, are so deposited, they shall be deemed to have been deposited by the direction of the authority and as indicating that the land is required for the carrying out of a scheme, and the plan and description shall not be called in question except by the authority. Deposit of  
plan

R.S.O. 1960,  
c. 62, s. 34,  
subs. 1,  
amended

**13.** Subsection 1 of section 34 of *The Conservation Authorities Act* is amended by striking out "and the chief officer" in the fourth and fifth lines, so that the subsection shall read as follows:

Affecting  
Crown land

- (1) Where any land required for the carrying out of a scheme or part thereof is Crown land, a plan and description of the land prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman shall be deposited with the Minister of Lands and Forests, and the scheme or part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Lands and Forests.

R.S.O. 1960,  
c. 62, s. 37,  
subs. 3,  
amended

**14.** Subsection 3 of section 37 of *The Conservation Authorities Act* is amended by striking out "the chief officer of the authority" in the fourth and fifth lines and inserting in lieu thereof "a person appointed by the Minister", so that the subsection shall read as follows:

Determina-  
tion of  
compensa-  
tion

- (3) Where the authority and The Hydro-Electric Power Commission of Ontario are unable to agree upon the amount of compensation payable, the amount shall be determined by a committee of three members comprising a person appointed by the Minister, the chief engineer of the Commission and an engineer to be agreed upon by both of them, or, in the event that they are unable to agree, appointed by the Lieutenant Governor in Council, and the engineer so agreed upon or appointed shall act as chairman of the committee, and there is no appeal from the committee, but, after ten annual payments of compensation, the amount of compensation shall be re-determined by a like committee at the request of either the authority or the Commission.

R.S.O. 1960,  
c. 62, s. 38,  
subs. 6,  
amended

**15.** Subsection 6 of section 38 of *The Conservation Authorities Act* is amended by striking out "chief officer" in the fourth line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

Limited  
benefit

- (6) Where the council of a participating municipality is of opinion that the major part of the benefit to be derived from a specific work accrues to a limited area of the municipality, the council, with the approval of the Minister, may by by-law provide that a specified portion of the moneys required to be raised by that municipality for capital expenditure in connection with that work shall be defrayed by a

special rate upon the rateable property in that area, which area shall be defined in the by-law, and that the balance of such moneys shall be defrayed by a special rate upon the rateable property in the remaining portion of the municipality within the area over which the authority has jurisdiction.

**16.** *The Conservation Authorities Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 62,  
amended

**41a.**—(1) Every authority shall cause its accounts and transactions to be audited annually by a person licensed under *The Public Accountancy Act*. Annual  
audit  
  
R.S.O. 1960,  
c. 317

(2) No person shall be appointed as auditor of an authority who is or during the preceding year was a member of the authority or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the authority other than for services within his professional capacity. Auditor

(3) An authority shall, upon receipt of the auditor's report of his examination of its accounts and transactions, forthwith forward a copy of the report to each participating municipality and to the Minister. Auditor's  
report

**17.** Section 42 of *The Conservation Authorities Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 62, s. 42,  
re-enacted

**42.** Grants may be made to any authority, out of moneys appropriated therefor by the Legislature, by the Lieutenant Governor in Council and by the Minister, provided that grants made to an authority by the Minister in any year for any one purpose shall not exceed \$10,000. Grants

**18.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**19.** This Act may be cited as *The Conservation Authorities Amendment Act, 1961-62* (No. 2). Short title

Am Act to amend  
The Conservation Authorities Act

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*1st Reading*

April 3rd, 1962

*2nd Reading*

April 6th, 1962

*3rd Reading*

April 17th, 1962

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MR. SPOONER

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# **BILL 149**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **The Provincial Land Tax Act, 1961-62**

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**MR. SPOONER**

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#### EXPLANATORY NOTE

*The Provincial Land Tax Act* has been completely rewritten for the purpose of bringing the Act in line with modern procedures and to adopt, where practicable, principles of *The Assessment Act*.

BILL 149

1961-62

**The Provincial Land Tax Act, 1961-62**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**Interpre-  
tation

- (a) "collector" means the Land Tax Collector appointed under this Act;
- (b) "Department" means the Department of Lands and Forests;
- (c) "Deputy Minister" means the Deputy Minister of Lands and Forests;
- (d) "land" includes,
  - (i) land covered with water,
  - (ii) all trees and underwood growing upon land,
  - (iii) all mines, minerals, gas, oil, salt quarries and fossils in and under land,
  - (iv) all buildings, or any part of any building, and all structures, machinery and fixtures erected or placed upon, in, over, under or affixed to land,
  - (v) all structures and fixtures erected or placed upon, in, over, under or affixed to a highway, lane or other public communication or water, but not the rolling stock of a transportation system,
  - (vi) the interest in land of a tenant or occupant,

- (vii) the interest of the holder of any licence, concession or contract under which there has been acquired from the Crown any right to be exercised in respect of, or over, or upon land;
- (e) "Minister" means the Minister of Lands and Forests;
- (f) "officer" means a person who has powers or duties with respect to the administration of this Act;
- (g) "owner" includes a tenant or occupant and any person owning or enjoying an interest in land and the holder of any licence, concession or contract under which there has been acquired from the Crown any right to be exercised in respect of, or over, or upon land;
- (h) "person" includes a partnership, a body corporate or politic, a bridge authority, an agent or trustee, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- (i) "pipe line" means every pipe forming part of any system for the purpose of the transportation or transmission or distribution by pipe line of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or any mixture or combination of the foregoing and includes,
  - (i) all valves, regulators, couplings, cathodic protection apparatus, protective coatings, casings, curb-boxes, meters, and all incidental fastenings, attachments, appliances, apparatus and appurtenances,
  - (ii) all haulage, labour, engineering and overheads in respect of any such pipe line,
  - (iii) any section, part or branch of any such pipe line,
  - (iv) any easement or right of way used by a pipe line company, and
  - (v) any franchise or franchise right,
 and such other pipe lines as are prescribed, but does not include a pipe line or lines situate wholly within an oil refinery, oil storage depot, oil bulk plant or oil pipe line terminal;

- (j) "pipe line company" means a person, firm, partnership, association or corporation owning, controlling or operating a pipe line, all or any part of which is situate in Ontario;
- (k) "prescribed" means prescribed by the regulations made under this Act;
- (l) "register" means the Provincial Land Tax Register;
- (m) "telegraph company" means a person, firm, partnership, association or corporation owning, controlling or operating a telegraph system or line, all or any part of which is situate in Ontario;
- (n) "telephone company" means a person, firm, partnership, association or corporation owning, controlling or operating a telephone system or line, all or any part of which is situate in Ontario. R.S.O. 1960, c. 313, ss. 1 (1), *part*, 6 (1), cl. (a), *amended*.

#### ADMINISTRATION

**2.** There shall be an officer known as the Land Tax Collector <sup>Land Tax Collector, appointment of</sup> and such other officers as are deemed necessary for the administration of this Act. R.S.O. 1960, c. 313, s. 7, *amended*.

#### LIABILITY TO TAX, EXEMPTIONS

**3.—(1)** All land situate in territory without municipal <sup>Land assessable and taxable, exemptions</sup> organization is liable to assessment and taxation under this Act, subject to the following exemptions from taxation:

1. Land belonging to Canada or any province of <sup>Lands of Canada, etc.</sup> Canada.
2. Land held in trust for a band or body of Indians, <sup>Indian lands</sup> but not if occupied by a person who is not a member of a band or body of Indians.
3. Every place of worship and land used in connection <sup>Churches, etc.</sup> therewith, every churchyard, and every cemetery or burying ground that is enclosed and actually and *bona fide* required, used and occupied for the interment of the dead, but not land rented or leased to a church or religious organization by a person other than another church or religious organization.
4. The buildings and grounds of and attached to or <sup>Public educational institutions</sup> otherwise *bona fide* used in connection with and for

the purpose of a university, high school, public or separate school or other educational institution supported in whole or in part by Provincial moneys, whether vested in a trustee or otherwise, only so long as such buildings and grounds are actually used and occupied by such institution.

Philan-  
thropic or  
religious  
seminaries

5. The buildings and grounds of and attached to or otherwise *bona fide* used in connection with and for the purposes of a seminary of learning maintained for philanthropic or religious purposes, the whole profits from which are devoted or applied to such purposes, only so long as such buildings and grounds are actually used and occupied by such seminary.

Educational  
seminaries

6. The buildings and grounds not exceeding in the whole fifty acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of a seminary of learning maintained for educational purposes, the whole profits from which are devoted or applied to such purposes, only so long as such buildings and grounds are actually used and occupied by such seminary, but such exemption does not extend to include any part of the land of such a seminary that is used for farming or agricultural pursuits and is worked on shares with any other person, or if the annual or other crops, or any part thereof, from such land are sold.

Boy Scouts  
and  
Girl Guides

7. Land owned, occupied and used exclusively by The Boy Scouts Association or The Canadian Girl Guides Association or by any provincial or local association or other local group in Ontario that is a member of either of such associations or is otherwise chartered or officially recognized by either of them.

Charitable  
institutions

8. Land owned, occupied and used exclusively by an incorporated charitable institution organized for the relief of the poor, The Canadian Red Cross Society, St. John Ambulance Association, or any similar incorporated institution conducted on philanthropic principles and not for the purpose of profit or gain, that is supported, in part at least, by public moneys.

Agricultural  
societies  
R.S.O. 1960,  
c. 11

9. Land owned by an agricultural society under *The Agricultural Societies Act*.

Machinery

10. All machinery and equipment used for manufacturing or farming purposes, including the foundations on which they rest, but not including machinery and

equipment to the extent that it is used, intended or required for lighting, heating or other building purposes or for producing power for sale, or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

11. Subject to subsection 2, land that is liable for the acreage tax under *The Mining Act*. Mining lands  
R.S.O. 1960,  
c. 241
12. All buildings, improvements, substructures, super-structures, machinery and fixtures erected, made or installed in or on any land for mining purposes. Mining  
buildings,  
etc.
13. The right of a licensee under *The Crown Timber Act* to cut timber under his licence. Timber  
licensees  
R.S.O. 1960,  
c. 83
14. The telephone and telegraph plant, poles and wires of a railway company that are used exclusively in the running of trains or for any other purpose of a railway, but not for commercial purposes, and the structures, substructures, superstructures, rails, ties and other property on railway lands that are used exclusively for railway purposes or incidental thereto, except stations, freight sheds, offices, warehouses, elevators, hotels, roundhouses and machine, repair or other shops. Railways
15. Land of a designated class that is declared by the Lieutenant Governor in Council to be exempt wholly or partially from taxation under this Act. Further  
exemptions  
R.S.O. 1960, c. 313, s. 1 (1), *part, amended*.

(2) Paragraph 11 of subsection 1 does not apply where the land or any part of it,

- (a) is used for a purpose other than mining, or, if used for mining purposes, is also used for any other purpose; or
- (b) is land upon which there is timber, other than Crown timber, and the average value of such timber is more than \$2 an acre. R.S.O. 1960, c. 313, s. 1 (2).

## ASSESSMENT

Valuation  
of land

4.—(1) The assessed value to be placed upon land for the purposes of this Act is the price that it might be expected to bring if offered for sale in the open market by a person who is solvent. R.S.O. 1960, c. 313, s. 11 (2), *amended*.

## Easements

(2) Subject to section 10, where an easement is appurtenant to land situate in territory without municipal organization, the easement shall be assessed in connection with and as part of the land at the added value it gives to the land as the dominant tenement, and the assessment of the land that, as the servient tenement, is subject to the easement shall be reduced accordingly.

Restrictive  
covenant

(3) A restrictive covenant running with land shall be deemed to be an easement within the meaning of subsection 2.

Lane used  
as right of  
way

(4) Where land is laid out and used as a lane and is subject to a right of way, its value shall be apportioned among the various parcels to which the right of way is appurtenant and shall be included in the assessment of such parcels. *New*.

Existing  
assessments

5.—(1) Every assessment made under the predecessor of this Act or under this Act continues in effect until varied by re-assessment or appeal as hereinafter provided.

Amendment  
of  
assessment

(2) The collector may at any time assess or amend the assessment of any land liable to assessment and taxation under this Act and shall forthwith notify the owner of the land of the assessment or the amendment. *New*.

Provincial  
Land Tax  
Register

6. The collector shall keep a Provincial Land Tax Register in which shall be entered the name and address of every owner of land to which this Act applies, the amount of the assessment of the land and such other particulars as the collector deems requisite. R.S.O. 1960, c. 313, s. 12, *amended*.

Right  
to search  
registry and  
land titles  
offices

7. The collector or any other officer may, in the performance of his duties under this Act, search and inspect books, plans and documents in registry offices and land titles offices, and no charge shall be made by and no fee is payable to a registrar of deeds or a local master of titles for any such search or inspection. R.S.O. 1960, c. 313, s. 10, *amended*.

Right of  
access

8.—(1) The collector, any other officer and the judge of the county or district court may, in the performance of their duties under this Act, enter into or upon land situate in territory without municipal organization and shall at all reasonable times and upon reasonable request be given free access for the purposes of this Act to all such land and to all parts of every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to such land.



(2) Every adult person present on land when any person referred to in subsection 1 visits the land in the performance of his duties shall upon request give to such person all the information in his knowledge that will assist such person in the performance of his duties under this Act. R.S.O. 1960, c. 313, s. 8, *amended*. Information

9.—(1) Every person who becomes the owner of land situate in territory without municipal organization shall, within thirty days of becoming the owner of such land, notify the collector in writing giving his name and address, the name and address of the previous owner, a description of the land acquired, the purchase price paid where the land was purchased, or the rent paid where the land is rented, or the fee paid where the land is held under a licence. R.S.O. 1960, c. 313, s. 9 (1), *amended*. Statement of owner hereafter acquiring land

(2) Upon the erection or the placing upon, in, over, under or the affixing to land situate in territory without municipal organization of any building, structure, machinery, fixture or other improvement, the owner shall forthwith notify the collector in writing thereof. Notice of improvements

(3) The collector may at any time mail a form of return in the prescribed form to any owner of land to which this Act applies, and such owner shall complete and return it within thirty days from the date of mailing by the collector. *New*. Return

#### PIPE LINES

10.—(1) For the purpose of the tax under this Act, a pipe line or any part thereof situate in territory without municipal organization shall be deemed to be land to which this Act applies. Assessment and taxation of pipe lines

(2) Notwithstanding any other provision of this Act, but, subject to subsection 3, a pipe line shall be assessed for taxation purposes at the following rates: Rates

Size of Pipe	Assessment per Foot of Length
$\frac{3}{4}$ ".....Nominal inside diameter.....	\$ .07
1"....." " ".....	.09
1 $\frac{1}{4}$ "....." " ".....	.11
1 $\frac{1}{2}$ "....." " ".....	.13
2" and 2 $\frac{1}{2}$ "....." " ".....	.17
3"....." " ".....	.46
4" and 4 $\frac{1}{2}$ "....." " ".....	.55
5" and 5 $\frac{1}{8}$ "....." " ".....	.83
6" and 6 $\frac{3}{8}$ "....." " ".....	.98
8"....." " ".....	1.24
10"....." " ".....	1.55
12"....." " ".....	2.31

Size of Pipe	Assessment per Foot of Length
14".....Outside diameter.....	\$ 2.34
16"....."....."	2.35
18"....."....."	2.67
20"....."....."	2.96
22"....."....."	3.25
24"....."....."	3.56
26"....."....."	3.69
28"....."....."	3.85
30"....."....."	4.03
32"....."....."	4.24
34"....."....."	4.46
36"....."....."	4.72

Pipe lines  
installed  
before 1940

(3) A pipe line installed before 1940 shall be assessed for taxation at the rates set forth in subsection 2 but shall be depreciated up to the year 1940 at the rate of 2 per cent per annum of the assessed value of the pipe line, with a maximum depreciation of 50 per cent.

Pipe lines  
installed  
after 1939

(4) A pipe line installed during or after 1940 shall be assessed for taxation at the rates set forth in subsection 2, with no allowance for depreciation.

Pipe lines  
removed and  
installed in  
another  
location

(5) A pipe line removed from one location and re-installed in another location shall, where depreciation is applicable, continue to be depreciated in accordance with subsection 3 as though remaining in its original location.

Pipe lines  
abandoned

(6) A pipe line that has been abandoned in any year ceases to be liable for the tax effective with the year next following the year in which the pipe line was abandoned.

Liability to  
tax on pipe  
line on  
exempt land

(7) Where a pipe line is located on, in, under, along or across a highway or any lands exempt from taxation under this or any special or general Act, the pipe line is nevertheless liable to assessment and taxation in accordance with this section.

Pipe lines on  
boundaries

(8) Where a pipe line is placed on the boundary between land situate in territory without municipal organization and land situate in territory with municipal organization, or so near thereto as to be in some places on one side and in other places on the other side of the boundary line, such pipe line shall be assessed as if half of it were situate entirely within the former and half of it were situate entirely within the latter.

Valuation  
of land  
occupied  
by pipe  
line

(9) Land that is liable to the tax under this Act shall not have a lesser or greater assessment by reason of there being

a pipe line located on, in, under, along or across it nor shall it have a lesser or greater assessment by reason of the abandonment of the pipe line. R.S.O. 1960, c. 313, s. 6, *part, amended*.

#### TELEPHONE AND TELEGRAPH LINES

11.—(1) For the purpose of the tax under this Act, a telephone line or part thereof, or a telegraph line or part thereof, situate in territory without municipal organization shall be deemed to be land to which this Act applies. Assessment and taxation of telephone and telegraph lines

(2) Notwithstanding any other provision of this Act and subject to subsections 3 and 6, a telephone line or part thereof shall be assessed for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use on the 31st day of December next preceding the year for which the tax is payable, at the rate of \$135 per mile, and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use on such 31st day of December, at the rate of \$7.50 per mile. Assessment of telephone lines

(3) Where a telephone company does not operate generally throughout Ontario and is not authorized by statute to carry on business throughout Ontario, notwithstanding any other provision of this Act and subject to subsection 6, its telephone lines shall be assessed for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the year for which the tax is payable, at the rate of \$50 per mile, and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on such 31st day of December, at the rate of \$7.50 per mile. Idem

(4) In computing the length of telephone circuits placed or strung on poles or other structures or in conduits, Computation of length of circuit

(a) a circuit that does not exceed twenty-five miles in length that is not used as a connecting circuit between two or more central exchange switchboards shall not be included; and

(b) every circuit regardless of its length that connects two or more central exchange switchboards shall be included.

(5) Notwithstanding any other provision of this Act and subject to subsection 6, a telegraph line or part thereof shall Assessment of telegraph lines

be assessed a sum equal to \$40 for every mile of length of one wire placed or strung on the poles or other structures or in conduits in use on the 31st day of December next preceding the year for which the tax is payable, and a sum equal to \$5 per mile for each additional wire so placed or strung on such 31st day of December.

Telegraph  
and tele-  
phone plant  
of railways

(6) Notwithstanding any other provision of this Act, the telephone and telegraph plant, poles and wires of a railway company that are used in whole or in part for commercial purposes shall be assessed at \$5 per mile in the manner hereinbefore mentioned.

Measure-  
ment of  
wires

(7) In the computation of the length of telegraph wires and additional wires, the wires of all branch and loop lines that do not exceed twenty-five miles shall not be included.

Idem

(8) In the measurement of such additional wires or circuits, the length of every telegraph wire and every telephone circuit placed or strung in cables or other combinations, and used or capable of being used as an independent means of conveying messages, shall be computed.

Poles and  
wires on  
boundary of  
land to  
which this  
Act applies

(9) Where the poles, structures, conduits or wires of a telegraph or telephone company are placed on the boundary between land situate in territory without municipal organization and land situate in territory with municipal organization, or so near thereto as to be in some places on one side and in other places on the other side of the boundary line, such poles, structures, conduits or wires shall be assessed as if half of them were situate entirely within the former and half of them were situate entirely within the latter.

Returns

(10) On request of the collector, a telegraph or telephone company shall, in respect of its wires and circuits in territory without municipal organization, make a return to the collector showing the information required to be furnished to the assessment commissioner or clerk of a township under subsection 2 of section 11 of *The Assessment Act*. *New.*

R.S.O. 1960,  
c. 23

#### RAILWAYS

Returns

**12.**—(1) On request of the collector, a railway company shall, in respect of its land in territory without municipal organization, make a return to the collector showing the information required to be furnished to the assessment commissioner or clerk of a township under subsection 1 of section 46 of *The Assessment Act*.

R.S.O. 1960,  
c. 23

Assessment  
of railway  
lands

(2) Notwithstanding any other provision of this Act and subject to paragraph 14 of subsection 1 of section 3,

- (a) the roadway or right of way of a railway company shall be assessed at the actual value thereof according to the average value of land in the locality;
- (b) the vacant land of a railway company shall be assessed at its value as other vacant lands are assessed under this Act;
- (c) the structures, substructures, superstructures, rails, ties, poles and other property belonging to or used by a company (not including rolling stock and not including tunnels or bridges in, over, under or forming part of any highway) upon, in, over, under or affixed to any highway, street or road (not being a highway, street or road merely crossed by the line of railway) at their actual cash value as they would be appraised upon a sale to another company possessing similar powers, rights and franchises, regard being had to all circumstances adversely affecting the value, including the non-user of such property; and
- (d) the land of a railway company not designated in clauses a, b and c in actual use and occupation by the company shall be assessed at its actual cash value as it would be appraised upon a sale to another company possessing similar powers, rights and franchises. *New.*

#### PUBLIC UTILITIES

**13.—**(1) In this section, “public utility” means a public utility as defined in *The Department of Municipal Affairs Act* and includes parking facilities on land owned by a municipal corporation or by a municipal parking authority established under any general or special Act. Interpretation  
R.S.O. 1960,  
c. 98

(2) Notwithstanding any other provision of this Act, the land, other than buildings, fixtures and structures, of a public utility shall be assessed at the actual value thereof according to the average value of land in the locality, and there shall be no assessment of machinery whether fixed or not nor of the foundation on which it rests. *New.* Idem

#### MINIMUM ASSESSMENT OF LAND

**14.—**(1) In this section, “land” has the meaning given to it by section 1, but does not include buildings, fixtures, machinery or structures erected or placed upon, in, over or under the land or affixed thereto. Interpretation

Minimum  
assessment  
of land

(2) Notwithstanding subsection 1 of section 4 and subject to subsection 3, land shall be assessed at not less than \$4 an acre or part of an acre.

Idem

(3) Notwithstanding subsection 1 of section 4, land that is rock barrens, muskeg or covered with water shall be assessed at not less than \$2 an acre or part of an acre. *New.*

#### ASSESSMENT APPEALS

Complaints

**15.—**(1) Any person complaining of,

- (a) an error or omission in regard to himself as having been,
  - (i) wrongly inserted in or omitted from the register, or
  - (ii) under-assessed or over-assessed by the collector in the register; or
- (b) the apportionment of arrears of tax made by the collector under section 32,

may personally or by his agent make a complaint in writing to the collector, setting out the grounds thereof and giving a name and address where he can be served by the collector.

Time for  
complaint

(2) The complaint shall be made to the collector on or before the 1st day of May in the year of the triennial sitting of the judge of the county or district court as hereinafter provided. *New.*

Notice of  
hearing of  
complaints

**16.** Where a complaint is made to the collector within the time limited by subsection 2 of section 15 and remains unresolved, the collector shall, at least fifteen days before the date of the hearing of the complaint, notify the person who has made the complaint of the time and place at which a judge of the county or district court will sit for the purpose of hearing such complaint. *New.*

Triennial  
sittings

**17.—**(1) For the purpose of hearing unresolved complaints, a judge of the county or district court of the county or district in which the land is situate shall sit,

- (a) in the territorial districts of Kenora, Rainy River and Thunder Bay in the year 1965 and in every third year thereafter;
- (b) in the territorial districts of Algoma, Cochrane, Sudbury and Timiskaming in the year 1963 and in every third year thereafter; and

(c) in the parts of Ontario not mentioned in clauses *a* and *b* in the year 1964 and in every third year thereafter. R.S.O. 1960, c. 313, s. 16 (2), *amended*.

(2) Notwithstanding subsection 1, where in the opinion of the Minister unusual or special circumstances require it, an unresolved complaint made under section 15 may, subject to section 16, be heard at any time at a special sitting. *New*.

**18.**—(1) The judge shall attend at the time and place arranged by the judge and the collector for the hearing of unresolved complaints, but, if the complaints have been resolved, the sitting may be cancelled. R.S.O. 1960, c. 313, s. 15 (1), *amended*.

(2) The judge, after hearing the complainant and the collector or his agent and any evidence adduced, shall confirm, decrease or increase the assessment for the year in which the complaint was made and for each year thereafter up to and including the year in which the appeal is heard.

(3) Where a complainant who has been notified of the time and place of the sitting under section 16 fails to appear at the sitting, the judge may dismiss the complaint. *New*.

(4) The assessment as determined by the judge is final and binding and is not open to question or dispute in any action or proceeding or otherwise. R.S.O. 1960, c. 313, s. 15 (2), *amended*.

**19.** The judge upon the hearing of any complaint under section 15 has the like powers as nearly as may be as in the case of a judge sitting for the hearing of appeals from the court of revision under *The Assessment Act*, and the procedure for the hearing of complaints under this Act shall be, as nearly as may be, the same as the procedure under *The Assessment Act*, except that the judge, in the absence of the consent of the collector, shall hear such complaints only as are included in the list provided by the collector as required by section 20. R.S.O. 1960, c. 23.

**20.** The collector or his agent shall attend at every sitting of the judge and shall have with him at the sitting a list of the unresolved complaints containing the names of the complainants and the assessments of their land, and he shall correct, alter and amend the register in accordance with the directions of the judge. R.S.O. 1960, c. 313, s. 18.

#### PAYMENT OF TAX

**21.**—(1) The tax under section 3 is payable annually at the appropriate prescribed rate upon the assessed value of the land. R.S.O. 1960, c. 313, s. 3 (1), *amended*.

## Rates

(2) The rate or rates of the annual tax prescribed remain in force from year to year until changed. R.S.O. 1960, c. 313, s. 3 (3), *amended*.

## Minimum tax

(3) The minimum annual tax imposed under this Act in respect of any land is \$6. R.S.O. 1960, c. 313, s. 3 (4), *amended*.

## CROWN LANDS

## Assessment of Crown lands

**22.**—(1) Notwithstanding paragraph 1 of subsection 1 of section 3, the tenant of land owned by the Crown where a rent or any valuable consideration is paid in respect of such land and the owner of land in which the Crown has an interest and the tenant of such land where rent or any valuable consideration is paid in respect of such land shall be assessed and taxed in the same way as if the land was owned or the interest of the Crown was held by any other person.

## Interpretation

(2) For the purpose of subsection 1,

- (a) "rent or any valuable consideration" shall be deemed to have been paid, in the case of an employee using land belonging to the Crown as a residence, where there is a reduction in or deduction from the salary, wages, allowances or emoluments of the employee because of such use or where such use is taken into consideration in determining the employee's salary, wages, allowances or emoluments;
- (b) "residence" means a building or part of a building used as a domestic establishment in which persons usually sleep and prepare and serve meals;
- (c) "tenant" includes any person who uses land belonging to the Crown, as or for the purposes of, or in connection with, his residence, irrespective of the relationship between him and the Crown with respect to such use.

## Assessment of Indian lands

(3) The tenant of land held in trust for a band or body of Indians who is not a member of such band or body, where rent or any valuable consideration is paid in respect of such land, shall be assessed in respect of the land in the same way as if the land were owned or held by any other person.

## COLLECTION OF TAX

## Tax bills

**23.**—(1) Except as otherwise provided in this Act, the tax imposed by this Act shall be for the calendar year and becomes due and is payable on the 1st day of February in



the year for which it is imposed, and a tax bill shall be mailed by the collector to every owner of land subject to taxation at his last known address on or before the 15th day of January in the year for which the tax is payable.

(2) The tax bill shall show the assessed value of the land,<sup>Idem</sup> the rate of taxation, the amount of the tax payable and such other information as may be prescribed. R.S.O. 1960, c. 313, s. 19, *amended*.

**24.** Except as otherwise provided in this Act, where any tax under this Act remains unpaid on the 1st day of March in the year for which it is payable, a penalty of 5 per cent shall be added thereto and in addition such tax and penalty shall bear compound interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from such 1st day of March until the tax and penalty are paid, and for all purposes the amount of such tax, interest and penalty shall be deemed to be tax due and payable under this Act. R.S.O. 1960, c. 313, s. 20, *amended*.<sup>Penalty and interest on unpaid tax</sup>

**25.—**(1) Where land becomes liable to assessment and taxation under this Act between the 1st day of January and the 29th day of November in a year, the collector may enter the land in the register for a portion of the amount of taxes that would have been payable under this Act for the year if the land had been liable to assessment and taxation for the whole of the year, and, subject to subsection 3 of section 21, that portion shall be in the ratio that the number of months remaining in the year after the land becomes liable to assessment and taxation bears to the number 12.<sup>Additions to register</sup>

(2) Where the value of land liable to assessment and taxation under this Act increases between the 1st day of January and the 29th day of November in any year, the collector may amend the assessment of the land in the register and enter in the register tax for the increase in the assessment for a portion of the year, and that portion shall be in the ratio that the number of months remaining in the year after the value increases bears to the number 12.<sup>Amendments to register</sup>

(3) If at any time it appears to the collector that, notwithstanding the receipt of a notice under section 9, land liable to assessment and taxation has been omitted from the register in whole or in part for the current year or for either or both of the next two preceding years, he may enter such land in the register as well for the arrears of the preceding year or years, if any, as for the tax for the current year.<sup>Where land omitted from the register</sup>

(4) Where land liable to assessment and taxation is omitted from the register by reason of the failure of the owner of the<sup>Idem</sup>

land to give a notice required under section 9, the collector may enter such land in the register for the arrears of tax of each year back to and including the year in which such notice should have been given.

*Idem*

(5) For the purpose of determining the arrears of tax under subsection 3 or 4, the collector may assess the land at its current assessed value for each year in which arrears are owing.

*Billing*

(6) Where the collector enters tax or arrears of tax in the register under subsection 1, 2, 3 or 4, he may thereupon mail to the owner, at his last known address, a tax bill for such tax or arrears of tax, and such tax or arrears of tax are due and payable within thirty days of the date of such bill.

*Penalty and interest on unpaid tax*

(7) Where any tax or arrears of tax billed under subsection 6 remains unpaid after the due date, a penalty of 5 per cent shall be added thereto and, in addition, such tax or arrears of tax and penalty shall bear compound interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the due date until paid, and for all purposes the amount of such tax, arrears of tax, interest and penalty shall be deemed to be tax due and payable under this Act. *New.*

*Tax, penalties and interest to be lien on land*

**26.**—(1) Every tax, interest and penalty imposed by this Act is a special lien on the land upon or in respect of which such tax, interest or penalty is imposed in priority to every claim, privilege, lien or encumbrance, heretofore or hereafter created, of every person, and the lien and its priority are not lost or impaired by any neglect, omission or error of the Minister or the collector or of any other officer, clerk or servant appointed or assigned to any work in the course of the administration of this Act or by want of registration. R.S.O. 1960, c. 313, s. 21 (1).

*Owner liable for tax and penalties*

(2) The owner or any person entered in the register as the owner of any land is personally liable for all tax, interest and penalties imposed by this Act in respect of such land, and the collector may bring an action in his name of office for the recovery thereof in any court of competent jurisdiction. R.S.O. 1960, c. 313, s. 21 (2), *amended.*

*Collection by distress*

**27.** In addition to the collection of arrears of tax by action as hereinbefore provided, the collector may distrain for the same and has the like powers in that regard as a collector of taxes for a municipal corporation. R.S.O. 1960, c. 313, s. 22.

## DELIVERY OF NOTICES

**28.** Any complaint made under section 15 or any notice or return required by or given under this Act, other than a notice under subsection 1 or 2 of section 33, may be given by sending it by post paid mail to the collector, or to the last known address of the owner of the land or of any person interested in the land, as the case may be, and such notice or a notice by registered mail under subsection 1 or 2 of section 33 shall be deemed to have been received when it was so mailed. R.S.O. 1960, c. 313, s. 28 (2), *amended*. <sup>Delivery of notices</sup>

**29.** A tax bill shall be deemed to be delivered to an owner of land to which this Act applies or to his agent or representative where it is mailed post paid to the last known address of such owner, agent or representative. R.S.O. 1960, c. 313, s. 28 (1). <sup>Delivery of tax bills</sup>

**30.—(1)** Where land is owned by two or more persons, either jointly or otherwise, the collector may send any notice or tax bill issued under this Act to such part owner as is designated by the other part owners, and, where the part owners fail to designate a part owner for this purpose or where they fail to agree on which part owner should be designated, the collector may select a part owner to whom such notices and tax bills may be sent. <sup>Billing joint owners, etc.</sup>

**(2)** Where the collector designates the part owner to whom such notices and tax bills may be sent, he shall notify the other part owners of his designation. <sup>Idem</sup>

**(3)** Any notice or tax bill sent to the last known address of the part owner designated under subsection 1 shall be deemed to have been received by the other part owners. *New.* <sup>Idem</sup>

## REMISSION OF TAXES

**31.—(1)** The collector may reduce, refund or pay to the municipality any part of the tax under this Act on any land in respect of a year in which the land became part of a municipality. R.S.O. 1960, c. 313, s. 4, *amended*. <sup>Refunds, etc., on incorporation of municipality</sup>

**(2)** The collector may cancel any arrears of tax, interest or penalties in respect of land exempted from taxation under this Act or any predecessor of this Act or any regulations made hereunder or thereunder and may remit to any person any money paid by such person for any part of the current year or either or both of the next two preceding years as tax, interest or penalties under such Acts in respect of lands exempted from taxation under such Acts or regulations. R.S.O. 1960, c. 313, s. 5 (2), *amended*. <sup>Cancellation of arrears and remission of tax</sup>

Idem

(3) Where the value of land liable to assessment and taxation under this Act decreases between the 1st day of January and the 29th day of November in any year, the collector, after amending the assessment of the land in the register, may cancel a portion of the arrears of tax on the decrease in the assessment or, without interest, may make a refund to the owner or give a credit to the owner to be applied to the following year's tax in the amount of the tax on the decrease in the assessment for a portion of the year, and any such portion shall be in the ratio that the number of months remaining in the year after the value decreases bears to the number 12. *New.*

#### APPORTIONMENT OF ARREARS

Apportionment

**32.**—(1) Where land in respect of which arrears of tax, interest or penalties are owing under this Act has been assessed in one block, upon the application by or on behalf of any person claiming to be the registered owner of one or more parcels of the land, the collector may, after giving notice of the application to the owner of the land entered in the register, apportion the arrears of tax, interest and penalties and the current year's tax upon such parcels in proportion to their relative assessed value as determined from the assessment shown in the register at the date of the application.

Idem

(2) The payment of the apportionment assigned to any parcel under subsection 1 is a satisfaction of the tax, interest and penalties thereon.

Idem

(3) Forthwith after an apportionment has been made, the collector shall enter it in the register, and thereafter each parcel of the land affected is liable only for the amount of tax, interest and penalties apportioned or charged thereto, and is only liable for forfeiture for non-payment of the tax, interest and penalties so apportioned or charged against it. *New.*

#### FORFEITURE OF LANDS FOR ARREARS OF TAX

Notice of forfeiture

**33.**—(1) Where any part of the tax imposed under this Act remains unpaid for a period of two years or more, the collector may cause to be filed on or before the 31st day of August in any year in the proper land titles or registry office a caution in the prescribed form, and thereupon he shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the proper land titles or registry office to be the owner of the land in respect of which the default has been made and to every person appearing from such search or inquiry to have an interest therein, stating that, unless the total amount of tax, interest, penalties and

costs due and payable under this Act is paid on or before the 31st day of August in the year next following, the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate under the hand of the Minister or the Deputy Minister, and to the amount so due and payable there shall in every case be added and paid as costs the prescribed sum. R.S.O. 1960, c. 313, s. 23 (1), *amended*.

(2) Where no letters patent from the Crown have issued <sup>Idem</sup> granting land in respect of which tax remains unpaid for a period of two years or more, the collector may send by registered mail a notice mentioned in subsection 1 to the person entered in the register as the owner of the land, and the sending of such notice shall be deemed to be compliance with the provisions of subsection 1.

(3) The collector shall cause to be prepared a list of the <sup>Publication of notice</sup> lands in respect of which notices under subsections 1 and 2 have been mailed and shall cause the list to be published in one issue of *The Ontario Gazette* not later than the 31st day of December next following the mailing of the notices and giving notice that, unless the total amount of tax, interest, penalties and costs shown therein is paid on or before the 31st day of August in the year next following, the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate under the hand of the Minister or the Deputy Minister. R.S.O. 1960, c. 313, s. 23 (2), *amended*.

(4) Where any part of the tax, interest, penalties and <sup>Declaration of forfeiture</sup> costs remains unpaid after the 31st day of August in the year next following the publication of the list in *The Ontario Gazette* under subsection 3, the Minister or the Deputy Minister by a certificate may, on and after the 1st day of September next following, declare the lands and every interest therein forfeited to and vested in the Crown, and thereupon, subject to subsections 5 and 6, the land and every interest therein vests in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing, arising or accruing before or after such forfeiture is declared, and the land may be granted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario. R.S.O. 1960, c. 313, s. 23 (3), *amended*.

(5) Where land, other than land held under a lease or licence <sup>Mining lands</sup> of occupation, that is subject to forfeiture under this Act is <sup>R.S.O. 1960, c. 241</sup> also subject to the acreage tax under *The Mining Act*, such forfeiture shall be of the surface rights only. *New*.

## Easements

(6) Where a dominant tenement is forfeited, any easement appurtenant thereto passes to the Crown and, where a servient tenement is forfeited, the forfeiture does not affect any easement to which the servient tenement is subject. R.S.O. 1960, c. 313, s. 23 (4).

## Registration of certificate

(7) The proper master of titles or registrar of deeds shall upon receipt of the certificate duly register the same, and it is absolute and conclusive evidence of the forfeiture to the Crown of the land and every interest therein so certified to be forfeited, and is not open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture. R.S.O. 1960, c. 313, s. 23 (5).

## R.S.O. 1960, cc. 348, 204, not to apply to forfeited lands

(8) Upon registration of a certificate of forfeiture in the registry or land titles office, *The Registry Act* or *The Land Titles Act*, as the case may be, ceases to apply to the land forfeited, and the registrar or local master of titles shall note that fact in his register in red ink.

## Land forfeited in error

**34.** Where land has been forfeited in error to the Crown under this Act or any predecessor of this Act, the Minister or the Deputy Minister, by a certificate under his hand, may revoke, cancel or annul the forfeiture in so far as it has reference to land forfeited to the Crown in error, and thereupon such land reverts to the owner of the land at the time of forfeiture, his heirs, successors or assigns, subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding. *New.*

## OFFENCES

## Not making returns

**35.** Every owner who makes default in completing or making a return or notice required by this Act within the prescribed period is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 and an additional fine of \$10 for each day during which default continues. R.S.O. 1960, c. 313, s. 25, *amended.*

## False statements

**36.** Every person who knowingly makes a false statement in any return or notice required by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1960, c. 313, s. 26, *amended.*

## Offence for obstructing collector, etc.

**37.** Every person who wilfully obstructs or interferes with the collector or any other officer or the county or district court judge in the performance of his duties under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1960, c. 313, s. 8, *amended.*

## REGULATIONS

**38.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing any return, bill or other form required for the purposes of this Act;
- (b) designating classes of land and declaring the same to be exempt, wholly or partially, from taxation under this Act;
- (c) designating classes of land and prescribing the rate of tax applicable to each class;
- (d) amending the table of rates set out in subsection 2 of section 10;
- (e) designating pipes in addition to those mentioned in subclause i of clause i of section 1 as pipe lines;
- (f) prescribing the costs to be paid under subsection 1 of section 33;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 313, s. 27, *amended*.

## MISCELLANEOUS

**39.** *The Provincial Land Tax Act* is repealed.

R.S.O. 1960,  
c. 313,  
repealed

**40.** This Act comes into force on the 1st day of January, 1963. Commence-  
ment

**41.** This Act may be cited as *The Provincial Land Tax Act*, Short title  
1961-62.

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*1st Reading*

April 3rd, 1962

*2nd Reading*

*3rd Reading*

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MR. SPOONER

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# **BILL 149**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **The Provincial Land Tax Act, 1961-62**

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**MR. SPOONER**

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BILL 149

1961-62

**The Provincial Land Tax Act, 1961-62**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**Interpre-  
tation

- (a) "collector" means the Land Tax Collector appointed under this Act;
- (b) "Department" means the Department of Lands and Forests;
- (c) "Deputy Minister" means the Deputy Minister of Lands and Forests;
- (d) "land" includes,
  - (i) land covered with water,
  - (ii) all trees and underwood growing upon land,
  - (iii) all mines, minerals, gas, oil, salt quarries and fossils in and under land,
  - (iv) all buildings, or any part of any building, and all structures, machinery and fixtures erected or placed upon, in, over, under or affixed to land,
  - (v) all structures and fixtures erected or placed upon, in, over, under or affixed to a highway, lane or other public communication or water, but not the rolling stock of a transportation system,
  - (vi) the interest in land of a tenant or occupant,

- (vii) the interest of the holder of any licence, concession or contract under which there has been acquired from the Crown any right to be exercised in respect of, or over, or upon land;
- (e) "Minister" means the Minister of Lands and Forests;
- (f) "officer" means a person who has powers or duties with respect to the administration of this Act;
- (g) "owner" includes a tenant or occupant and any person owning or enjoying an interest in land and the holder of any licence, concession or contract under which there has been acquired from the Crown any right to be exercised in respect of, or over, or upon land;
- (h) "person" includes a partnership, a body corporate or politic, a bridge authority, an agent or trustee, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- (i) "pipe line" means every pipe forming part of any system for the purpose of the transportation or transmission or distribution by pipe line of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or any mixture or combination of the foregoing and includes,
  - (i) all valves, regulators, couplings, cathodic protection apparatus, protective coatings, casings, curb-boxes, meters, and all incidental fastenings, attachments, appliances, apparatus and appurtenances,
  - (ii) all haulage, labour, engineering and overheads in respect of any such pipe line,
  - (iii) any section, part or branch of any such pipe line,
  - (iv) any easement or right of way used by a pipe line company, and
  - (v) any franchise or franchise right,
 and such other pipe lines as are prescribed, but does not include a pipe line or lines situate wholly within an oil refinery, oil storage depot, oil bulk plant or oil pipe line terminal;

- (j) "pipe line company" means a person, firm, partnership, association or corporation owning, controlling or operating a pipe line, all or any part of which is situate in Ontario;
- (k) "prescribed" means prescribed by the regulations made under this Act;
- (l) "register" means the Provincial Land Tax Register;
- (m) "telegraph company" means a person, firm, partnership, association or corporation owning, controlling or operating a telegraph system or line, all or any part of which is situate in Ontario;
- (n) "telephone company" means a person, firm, partnership, association or corporation owning, controlling or operating a telephone system or line, all or any part of which is situate in Ontario. R.S.O. 1960, c. 313, ss. 1 (1), *part*, 6 (1), cl. (a), *amended*.

#### ADMINISTRATION

2. There shall be an officer known as the Land Tax Collector and such other officers as are deemed necessary for the administration of this Act. R.S.O. 1960, c. 313, s. 7, *amended*.  
Land Tax Collector, appointment of

#### LIABILITY TO TAX, EXEMPTIONS

3.—(1) All land situate in territory without municipal organization is liable to assessment and taxation under this Act, subject to the following exemptions from taxation:  
Land assessable and taxable, exemptions

1. Land belonging to Canada or any province of Canada.  
Lands of Canada, etc.
2. Land held in trust for a band or body of Indians, but not if occupied by a person who is not a member of a band or body of Indians.  
Indian lands
3. Every place of worship and land used in connection therewith, every churchyard, and every cemetery or burying ground that is enclosed and actually and *bona fide* required, used and occupied for the interment of the dead, but not land rented or leased to a church or religious organization by a person other than another church or religious organization.  
Churches, etc.
4. The buildings and grounds of and attached to or otherwise *bona fide* used in connection with and for  
Public educational institutions

the purpose of a university, high school, public or separate school or other educational institution supported in whole or in part by Provincial moneys, whether vested in a trustee or otherwise, only so long as such buildings and grounds are actually used and occupied by such institution.

Philan-  
thropic or  
religious  
seminaries

5. The buildings and grounds of and attached to or otherwise *bona fide* used in connection with and for the purposes of a seminary of learning maintained for philanthropic or religious purposes, the whole profits from which are devoted or applied to such purposes, only so long as such buildings and grounds are actually used and occupied by such seminary.

Educational  
seminaries

6. The buildings and grounds not exceeding in the whole fifty acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of a seminary of learning maintained for educational purposes, the whole profits from which are devoted or applied to such purposes, only so long as such buildings and grounds are actually used and occupied by such seminary, but such exemption does not extend to include any part of the land of such a seminary that is used for farming or agricultural pursuits and is worked on shares with any other person, or if the annual or other crops, or any part thereof, from such land are sold.

Boy Scouts  
and  
Girl Guides

7. Land owned, occupied and used exclusively by The Boy Scouts Association or The Canadian Girl Guides Association or by any provincial or local association or other local group in Ontario that is a member of either of such associations or is otherwise chartered or officially recognized by either of them.

Charitable  
institutions

8. Land owned, occupied and used exclusively by an incorporated charitable institution organized for the relief of the poor, The Canadian Red Cross Society, St. John Ambulance Association, or any similar incorporated institution conducted on philanthropic principles and not for the purpose of profit or gain, that is supported, in part at least, by public moneys.

Agricultural  
societies  
R.S.O. 1960,  
c. 11

9. Land owned by an agricultural society under *The Agricultural Societies Act*.

Machinery

10. All machinery and equipment used for manufacturing or farming purposes, including the foundations on which they rest, but not including machinery and

equipment to the extent that it is used, intended or required for lighting, heating or other building purposes or for producing power for sale, or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

11. Subject to subsection 2, land that is liable for the acreage tax under *The Mining Act*. Mining lands  
R.S.O. 1960,  
c. 241
12. All buildings, improvements, substructures, super-structures, machinery and fixtures erected, made or installed in or on any land for mining purposes. Mining  
buildings,  
etc.
13. The right of a licensee under *The Crown Timber Act* to cut timber under his licence. Timber  
licensees  
R.S.O. 1960,  
c. 83
14. The telephone and telegraph plant, poles and wires of a railway company that are used exclusively in the running of trains or for any other purpose of a railway, but not for commercial purposes, and the structures, substructures, superstructures, rails, ties and other property on railway lands that are used exclusively for railway purposes or incidental thereto, except stations, freight sheds, offices, warehouses, elevators, hotels, roundhouses and machine, repair or other shops. Railways
15. Land of a designated class that is declared by the Lieutenant Governor in Council to be exempt wholly or partially from taxation under this Act. Further  
exemptions  
R.S.O. 1960, c. 313, s. 1 (1), *part, amended*.

(2) Paragraph 11 of subsection 1 does not apply where the land or any part of it, Exception

- (a) is used for a purpose other than mining, or, if used for mining purposes, is also used for any other purpose; or
- (b) is land upon which there is timber, other than Crown timber, and the average value of such timber is more than \$2 an acre. R.S.O. 1960, c. 313, s. 1 (2).

## ASSESSMENT

Valuation  
of land

4.—(1) The assessed value to be placed upon land for the purposes of this Act is the price that it might be expected to bring if offered for sale in the open market by a person who is solvent. R.S.O. 1960, c. 313, s. 11 (2), *amended*.

## Easements

(2) Subject to section 10, where an easement is appurtenant to land situate in territory without municipal organization, the easement shall be assessed in connection with and as part of the land at the added value it gives to the land as the dominant tenement, and the assessment of the land that, as the servient tenement, is subject to the easement shall be reduced accordingly.

Restrictive  
covenant

(3) A restrictive covenant running with land shall be deemed to be an easement within the meaning of subsection 2.

Lane used  
as right of  
way

(4) Where land is laid out and used as a lane and is subject to a right of way, its value shall be apportioned among the various parcels to which the right of way is appurtenant and shall be included in the assessment of such parcels. *New*.

Existing  
assessments

5.—(1) Every assessment made under the predecessor of this Act or under this Act continues in effect until varied by re-assessment or appeal as hereinafter provided.

Amendment  
of  
assessment

(2) The collector may at any time assess or amend the assessment of any land liable to assessment and taxation under this Act and shall forthwith notify the owner of the land of the assessment or the amendment. *New*.

Provincial  
Land Tax  
Register

6. The collector shall keep a Provincial Land Tax Register in which shall be entered the name and address of every owner of land to which this Act applies, the amount of the assessment of the land and such other particulars as the collector deems requisite. R.S.O. 1960, c. 313, s. 12, *amended*.

Right  
to search  
registry and  
land titles  
offices

7. The collector or any other officer may, in the performance of his duties under this Act, search and inspect books, plans and documents in registry offices and land titles offices, and no charge shall be made by and no fee is payable to a registrar of deeds or a local master of titles for any such search or inspection. R.S.O. 1960, c. 313, s. 10, *amended*.

Right of  
access

8.—(1) The collector, any other officer and the judge of the county or district court may, in the performance of their duties under this Act, enter into or upon land situate in territory without municipal organization and shall at all reasonable times and upon reasonable request be given free access for the purposes of this Act to all such land and to all parts of every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to such land.



(2) Every adult person present on land when any person referred to in subsection 1 visits the land in the performance of his duties shall upon request give to such person all the information in his knowledge that will assist such person in the performance of his duties under this Act. R.S.O. 1960, c. 313, s. 8, *amended*. Information

9.—(1) Every person who becomes the owner of land situate in territory without municipal organization shall, within thirty days of becoming the owner of such land, notify the collector in writing giving his name and address, the name and address of the previous owner, a description of the land acquired, the purchase price paid where the land was purchased, or the rent paid where the land is rented, or the fee paid where the land is held under a licence. R.S.O. 1960, c. 313, s. 9 (1), *amended*. Statement of owner hereafter acquiring land

(2) Upon the erection or the placing upon, in, over, under or the affixing to land situate in territory without municipal organization of any building, structure, machinery, fixture or other improvement, the owner shall forthwith notify the collector in writing thereof. Notice of improvements

(3) The collector may at any time mail a form of return in the prescribed form to any owner of land to which this Act applies, and such owner shall complete and return it within thirty days from the date of mailing by the collector. *New*. Return

#### PIPE LINES

10.—(1) For the purpose of the tax under this Act, a pipe line or any part thereof situate in territory without municipal organization shall be deemed to be land to which this Act applies. Assessment and taxation of pipe lines

(2) Notwithstanding any other provision of this Act, but, subject to subsection 3, a pipe line shall be assessed for taxation purposes at the following rates: Rates

Size of Pipe		Assessment per Foot of Length
$\frac{3}{4}$ "	Nominal inside diameter	\$ .07
1"	" " "	.09
$1\frac{1}{4}$ "	" " "	.11
$1\frac{1}{2}$ "	" " "	.13
2" and $2\frac{1}{2}$ "	" " "	.17
3"	" " "	.46
4" and $4\frac{1}{2}$ "	" " "	.55
5" and $5\frac{1}{8}$ "	" " "	.83
6" and $6\frac{3}{8}$ "	" " "	.98
8"	" " "	1.24
10"	" " "	1.55
12"	" " "	2.31

Size of Pipe	Assessment per Foot of Length
14".....Outside diameter.....	\$ 2.34
16".....".....	2.35
18".....".....	2.67
20".....".....	2.96
22".....".....	3.25
24".....".....	3.56
26".....".....	3.69
28".....".....	3.85
30".....".....	4.03
32".....".....	4.24
34".....".....	4.46
36".....".....	4.72

Pipe lines  
installed  
before 1940

(3) A pipe line installed before 1940 shall be assessed for taxation at the rates set forth in subsection 2 but shall be depreciated up to the year 1940 at the rate of 2 per cent per annum of the assessed value of the pipe line, with a maximum depreciation of 50 per cent.

Pipe lines  
installed  
after 1939

(4) A pipe line installed during or after 1940 shall be assessed for taxation at the rates set forth in subsection 2, with no allowance for depreciation.

Pipe lines  
removed and  
installed in  
another  
location

(5) A pipe line removed from one location and re-installed in another location shall, where depreciation is applicable, continue to be depreciated in accordance with subsection 3 as though remaining in its original location.

Pipe lines  
abandoned

(6) A pipe line that has been abandoned in any year ceases to be liable for the tax effective with the year next following the year in which the pipe line was abandoned.

Liability to  
tax on pipe  
line on  
exempt land

(7) Where a pipe line is located on, in, under, along or across a highway or any lands exempt from taxation under this or any special or general Act, the pipe line is nevertheless liable to assessment and taxation in accordance with this section.

Pipe lines on  
boundaries

(8) Where a pipe line is placed on the boundary between land situate in territory without municipal organization and land situate in territory with municipal organization, or so near thereto as to be in some places on one side and in other places on the other side of the boundary line, such pipe line shall be assessed as if half of it were situate entirely within the former and half of it were situate entirely within the latter.

Valuation  
of land  
occupied  
by pipe  
line

(9) Land that is liable to the tax under this Act shall not have a lesser or greater assessment by reason of there being

a pipe line located on, in, under, along or across it nor shall it have a lesser or greater assessment by reason of the abandonment of the pipe line. R.S.O. 1960, c. 313, s. 6, *part, amended*.

#### TELEPHONE AND TELEGRAPH LINES

11.—(1) For the purpose of the tax under this Act, a telephone line or part thereof, or a telegraph line or part thereof, situate in territory without municipal organization shall be deemed to be land to which this Act applies. Assessment and taxation of telephone and telegraph lines

(2) Notwithstanding any other provision of this Act and subject to subsections 3 and 6, a telephone line or part thereof shall be assessed for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use on the 31st day of December next preceding the year for which the tax is payable, at the rate of \$135 per mile, and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use on such 31st day of December, at the rate of \$7.50 per mile. Assessment of telephone lines

(3) Where a telephone company does not operate generally throughout Ontario and is not authorized by statute to carry on business throughout Ontario, notwithstanding any other provision of this Act and subject to subsection 6, its telephone lines shall be assessed for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the year for which the tax is payable, at the rate of \$50 per mile, and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on such 31st day of December, at the rate of \$7.50 per mile. Idem

(4) In computing the length of telephone circuits placed or strung on poles or other structures or in conduits, Computation of length of circuit

(a) a circuit that does not exceed twenty-five miles in length that is not used as a connecting circuit between two or more central exchange switchboards shall not be included; and

(b) every circuit regardless of its length that connects two or more central exchange switchboards shall be included.

(5) Notwithstanding any other provision of this Act and subject to subsection 6, a telegraph line or part thereof shall Assessment of telegraph lines

be assessed a sum equal to \$40 for every mile of length of one wire placed or strung on the poles or other structures or in conduits in use on the 31st day of December next preceding the year for which the tax is payable, and a sum equal to \$5 per mile for each additional wire so placed or strung on such 31st day of December.

Telegraph  
and tele-  
phone plant  
of railways

(6) Notwithstanding any other provision of this Act, the telephone and telegraph plant, poles and wires of a railway company that are used in whole or in part for commercial purposes shall be assessed at \$5 per mile in the manner hereinbefore mentioned.

Measure-  
ment of  
wires

(7) In the computation of the length of telegraph wires and additional wires, the wires of all branch and loop lines that do not exceed twenty-five miles shall not be included.

Idem

(8) In the measurement of such additional wires or circuits, the length of every telegraph wire and every telephone circuit placed or strung in cables or other combinations, and used or capable of being used as an independent means of conveying messages, shall be computed.

Poles and  
wires on  
boundary of  
land to  
which this  
Act applies

(9) Where the poles, structures, conduits or wires of a telegraph or telephone company are placed on the boundary between land situate in territory without municipal organization and land situate in territory with municipal organization, or so near thereto as to be in some places on one side and in other places on the other side of the boundary line, such poles, structures, conduits or wires shall be assessed as if half of them were situate entirely within the former and half of them were situate entirely within the latter.

Returns

(10) On request of the collector, a telegraph or telephone company shall, in respect of its wires and circuits in territory without municipal organization, make a return to the collector showing the information required to be furnished to the assessment commissioner or clerk of a township under subsection 2 of section 11 of *The Assessment Act*. *New.*

R.S.O. 1960,  
c. 23

#### RAILWAYS

Returns

**12.—**(1) On request of the collector, a railway company shall, in respect of its land in territory without municipal organization, make a return to the collector showing the information required to be furnished to the assessment commissioner or clerk of a township under subsection 1 of section 46 of *The Assessment Act*.

R.S.O. 1960,  
c. 23

Assessment  
of railway  
lands

(2) Notwithstanding any other provision of this Act and subject to paragraph 14 of subsection 1 of section 3,

- (a) the roadway or right of way of a railway company shall be assessed at the actual value thereof according to the average value of land in the locality;
- (b) the vacant land of a railway company shall be assessed at its value as other vacant lands are assessed under this Act;
- (c) the structures, substructures, superstructures, rails, ties, poles and other property belonging to or used by a company (not including rolling stock and not including tunnels or bridges in, over, under or forming part of any highway) upon, in, over, under or affixed to any highway, street or road (not being a highway, street or road merely crossed by the line of railway) at their actual cash value as they would be appraised upon a sale to another company possessing similar powers, rights and franchises, regard being had to all circumstances adversely affecting the value, including the non-user of such property; and
- (d) the land of a railway company not designated in clauses *a*, *b* and *c* in actual use and occupation by the company shall be assessed at its actual cash value as it would be appraised upon a sale to another company possessing similar powers, rights and franchises. *New.*

#### PUBLIC UTILITIES

**13.—**(1) In this section, “public utility” means a public utility as defined in *The Department of Municipal Affairs Act* and includes parking facilities on land owned by a municipal corporation or by a municipal parking authority established under any general or special Act. Interpretation  
R.S.O. 1960,  
c. 98

(2) Notwithstanding any other provision of this Act, the land, other than buildings, fixtures and structures, of a public utility shall be assessed at the actual value thereof according to the average value of land in the locality, and there shall be no assessment of machinery whether fixed or not nor of the foundation on which it rests. *New.*

#### MINIMUM ASSESSMENT OF LAND

**14.—**(1) In this section, “land” has the meaning given to it by section 1, but does not include buildings, fixtures, machinery or structures erected or placed upon, in, over or under the land or affixed thereto. Interpretation

Minimum  
assessment  
of land

(2) Notwithstanding subsection 1 of section 4 and subject to subsection 3, land shall be assessed at not less than \$4 an acre or part of an acre.

Idem

(3) Notwithstanding subsection 1 of section 4, land that is rock barrens, muskeg or covered with water shall be assessed at not less than \$2 an acre or part of an acre. *New.*

#### ASSESSMENT APPEALS

Complaints

**15.**—(1) Any person complaining of,

- (a) an error or omission in regard to himself as having been,
  - (i) wrongly inserted in or omitted from the register, or
  - (ii) under-assessed or over-assessed by the collector in the register; or
- (b) the apportionment of arrears of tax made by the collector under section 32,

may personally or by his agent make a complaint in writing to the collector, setting out the grounds thereof and giving a name and address where he can be served by the collector.

Time for  
complaint

(2) The complaint shall be made to the collector on or before the 1st day of May in the year of the triennial sitting of the judge of the county or district court as hereinafter provided. *New.*

Notice of  
hearing of  
complaints

**16.** Where a complaint is made to the collector within the time limited by subsection 2 of section 15 and remains unresolved, the collector shall, at least fifteen days before the date of the hearing of the complaint, notify the person who has made the complaint of the time and place at which a judge of the county or district court will sit for the purpose of hearing such complaint. *New.*

Triennial  
sittings

**17.**—(1) For the purpose of hearing unresolved complaints, a judge of the county or district court of the county or district in which the land is situate shall sit,

- (a) in the territorial districts of Kenora, Rainy River and Thunder Bay in the year 1965 and in every third year thereafter;
- (b) in the territorial districts of Algoma, Cochrane, Sudbury and Timiskaming in the year 1963 and in every third year thereafter; and

(c) in the parts of Ontario not mentioned in clauses *a* and *b* in the year 1964 and in every third year thereafter. R.S.O. 1960, c. 313, s. 16 (2), *amended*.

(2) Notwithstanding subsection 1, where in the opinion of the Minister unusual or special circumstances require it, an unresolved complaint made under section 15 may, subject to section 16, be heard at any time at a special sitting. *New*.

**18.**—(1) The judge shall attend at the time and place arranged by the judge and the collector for the hearing of unresolved complaints, but, if the complaints have been resolved, the sitting may be cancelled. R.S.O. 1960, c. 313, s. 15 (1), *amended*.

(2) The judge, after hearing the complainant and the collector or his agent and any evidence adduced, shall confirm, decrease or increase the assessment for the year in which the complaint was made and for each year thereafter up to and including the year in which the appeal is heard.

(3) Where a complainant who has been notified of the time and place of the sitting under section 16 fails to appear at the sitting, the judge may dismiss the complaint. *New*.

(4) The assessment as determined by the judge is final and binding and is not open to question or dispute in any action or proceeding or otherwise. R.S.O. 1960, c. 313, s. 15 (2), *amended*.

**19.** The judge upon the hearing of any complaint under section 15 has the like powers as nearly as may be as in the case of a judge sitting for the hearing of appeals from the court of revision under *The Assessment Act*, and the procedure for the hearing of complaints under this Act shall be, as nearly as may be, the same as the procedure under *The Assessment Act*, except that the judge, in the absence of the consent of the collector, shall hear such complaints only as are included in the list provided by the collector as required by section 20. R.S.O. 1960, c. 313, s. 17.

**20.** The collector or his agent shall attend at every sitting of the judge and shall have with him at the sitting a list of the unresolved complaints containing the names of the complainants and the assessments of their land, and he shall correct, alter and amend the register in accordance with the directions of the judge. R.S.O. 1960, c. 313, s. 18.

#### PAYMENT OF TAX

**21.**—(1) The tax under section 3 is payable annually at the appropriate prescribed rate upon the assessed value of the land. R.S.O. 1960, c. 313, s. 3 (1), *amended*.

## Rates

(2) The rate or rates of the annual tax prescribed remain in force from year to year until changed. R.S.O. 1960, c. 313, s. 3 (3), *amended*.

## Minimum tax

(3) The minimum annual tax imposed under this Act in respect of any land is \$6. R.S.O. 1960, c. 313, s. 3 (4), *amended*.

## CROWN LANDS

## Assessment of Crown lands

**22.**—(1) Notwithstanding paragraph 1 of subsection 1 of section 3, the tenant of land owned by the Crown where a rent or any valuable consideration is paid in respect of such land and the owner of land in which the Crown has an interest and the tenant of such land where rent or any valuable consideration is paid in respect of such land shall be assessed and taxed in the same way as if the land was owned or the interest of the Crown was held by any other person.

## Interpretation

(2) For the purpose of subsection 1,

- (a) "rent or any valuable consideration" shall be deemed to have been paid, in the case of an employee using land belonging to the Crown as a residence, where there is a reduction in or deduction from the salary, wages, allowances or emoluments of the employee because of such use or where such use is taken into consideration in determining the employee's salary, wages, allowances or emoluments;
- (b) "residence" means a building or part of a building used as a domestic establishment in which persons usually sleep and prepare and serve meals;
- (c) "tenant" includes any person who uses land belonging to the Crown, as or for the purposes of, or in connection with, his residence, irrespective of the relationship between him and the Crown with respect to such use.

## Assessment of Indian lands

(3) The tenant of land held in trust for a band or body of Indians who is not a member of such band or body, where rent or any valuable consideration is paid in respect of such land, shall be assessed in respect of the land in the same way as if the land were owned or held by any other person.

## COLLECTION OF TAX

## Tax bills

**23.**—(1) Except as otherwise provided in this Act, the tax imposed by this Act shall be for the calendar year and becomes due and is payable on the 1st day of February in



the year for which it is imposed, and a tax bill shall be mailed by the collector to every owner of land subject to taxation at his last known address on or before the 15th day of January in the year for which the tax is payable.

(2) The tax bill shall show the assessed value of the land, <sup>Idem</sup> the rate of taxation, the amount of the tax payable and such other information as may be prescribed. R.S.O. 1960, c. 313, s. 19, *amended*.

**24.** Except as otherwise provided in this Act, where any tax under this Act remains unpaid on the 1st day of March in the year for which it is payable, a penalty of 5 per cent shall be added thereto and in addition such tax and penalty shall bear compound interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from such 1st day of March until the tax and penalty are paid, and for all purposes the amount of such tax, interest and penalty shall be deemed to be tax due and payable under this Act. R.S.O. 1960, c. 313, s. 20, *amended*. <sup>Penalty and interest on unpaid tax</sup>

**25.—(1)** Where land becomes liable to assessment and taxation under this Act between the 1st day of January and the 29th day of November in a year, the collector may enter the land in the register for a portion of the amount of taxes that would have been payable under this Act for the year if the land had been liable to assessment and taxation for the whole of the year, and, subject to subsection 3 of section 21, that portion shall be in the ratio that the number of months remaining in the year after the land becomes liable to assessment and taxation bears to the number 12. <sup>Additions to register</sup>

(2) Where the value of land liable to assessment and taxation under this Act increases between the 1st day of January and the 29th day of November in any year, the collector may amend the assessment of the land in the register and enter in the register tax for the increase in the assessment for a portion of the year, and that portion shall be in the ratio that the number of months remaining in the year after the value increases bears to the number 12. <sup>Amendments to register</sup>

(3) If at any time it appears to the collector that, notwithstanding the receipt of a notice under section 9, land liable to assessment and taxation has been omitted from the register in whole or in part for the current year or for either or both of the next two preceding years, he may enter such land in the register as well for the arrears of the preceding year or years, if any, as for the tax for the current year. <sup>Where land omitted from the register</sup>

(4) Where land liable to assessment and taxation is omitted from the register by reason of the failure of the owner of the <sup>Idem</sup>

land to give a notice required under section 9, the collector may enter such land in the register for the arrears of tax of each year back to and including the year in which such notice should have been given.

Idem

(5) For the purpose of determining the arrears of tax under subsection 3 or 4, the collector may assess the land at its current assessed value for each year in which arrears are owing.

Billing

(6) Where the collector enters tax or arrears of tax in the register under subsection 1, 2, 3 or 4, he may thereupon mail to the owner, at his last known address, a tax bill for such tax or arrears of tax, and such tax or arrears of tax are due and payable within thirty days of the date of such bill.

Penalty and interest on unpaid tax

(7) Where any tax or arrears of tax billed under subsection 6 remains unpaid after the due date, a penalty of 5 per cent shall be added thereto and, in addition, such tax or arrears of tax and penalty shall bear compound interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the due date until paid, and for all purposes the amount of such tax, arrears of tax, interest and penalty shall be deemed to be tax due and payable under this Act. *New.*

Tax, penalties and interest to be lien on land

**26.**—(1) Every tax, interest and penalty imposed by this Act is a special lien on the land upon or in respect of which such tax, interest or penalty is imposed in priority to every claim, privilege, lien or encumbrance, heretofore or hereafter created, of every person, and the lien and its priority are not lost or impaired by any neglect, omission or error of the Minister or the collector or of any other officer, clerk or servant appointed or assigned to any work in the course of the administration of this Act or by want of registration. R.S.O. 1960, c. 313, s. 21 (1).

Owner liable for tax and penalties

(2) The owner or any person entered in the register as the owner of any land is personally liable for all tax, interest and penalties imposed by this Act in respect of such land, and the collector may bring an action in his name of office for the recovery thereof in any court of competent jurisdiction. R.S.O. 1960, c. 313, s. 21 (2), *amended.*

Collection by distress

**27.** In addition to the collection of arrears of tax by action as hereinbefore provided, the collector may distrain for the same and has the like powers in that regard as a collector of taxes for a municipal corporation. R.S.O. 1960, c. 313, s. 22.

## DELIVERY OF NOTICES

**28.** Any complaint made under section 15 or any notice or return required by or given under this Act, other than a notice under subsection 1 or 2 of section 33, may be given by sending it by post paid mail to the collector, or to the last known address of the owner of the land or of any person interested in the land, as the case may be, and such notice or a notice by registered mail under subsection 1 or 2 of section 33 shall be deemed to have been received when it was so mailed. R.S.O. 1960, c. 313, s. 28 (2), *amended*. Delivery of notices

**29.** A tax bill shall be deemed to be delivered to an owner of land to which this Act applies or to his agent or representative where it is mailed post paid to the last known address of such owner, agent or representative. R.S.O. 1960, c. 313, s. 28 (1). Delivery of tax bills

**30.**—(1) Where land is owned by two or more persons, either jointly or otherwise, the collector may send any notice or tax bill issued under this Act to such part owner as is designated by the other part owners, and, where the part owners fail to designate a part owner for this purpose or where they fail to agree on which part owner should be designated, the collector may select a part owner to whom such notices and tax bills may be sent. Billing joint owners, etc.

(2) Where the collector designates the part owner to whom such notices and tax bills may be sent, he shall notify the other part owners of his designation. Idem

(3) Any notice or tax bill sent to the last known address of the part owner designated under subsection 1 shall be deemed to have been received by the other part owners. *New*. Idem

## REMISSION OF TAXES

**31.**—(1) The collector may reduce, refund or pay to the municipality any part of the tax under this Act on any land in respect of a year in which the land became part of a municipality. R.S.O. 1960, c. 313, s. 4, *amended*. Refunds, etc., on incorporation of municipality

(2) The collector may cancel any arrears of tax, interest or penalties in respect of land exempted from taxation under this Act or any predecessor of this Act or any regulations made hereunder or thereunder and may remit to any person any money paid by such person for any part of the current year or either or both of the next two preceding years as tax, interest or penalties under such Acts in respect of lands exempted from taxation under such Acts or regulations. R.S.O. 1960, c. 313, s. 5 (2), *amended*. Cancellation of arrears and remission of tax

Idem

(3) Where the value of land liable to assessment and taxation under this Act decreases between the 1st day of January and the 29th day of November in any year, the collector, after amending the assessment of the land in the register, may cancel a portion of the arrears of tax on the decrease in the assessment or, without interest, may make a refund to the owner or give a credit to the owner to be applied to the following year's tax in the amount of the tax on the decrease in the assessment for a portion of the year, and any such portion shall be in the ratio that the number of months remaining in the year after the value decreases bears to the number 12. *New.*

#### APPORTIONMENT OF ARREARS

Apportionment

**32.**—(1) Where land in respect of which arrears of tax, interest or penalties are owing under this Act has been assessed in one block, upon the application by or on behalf of any person claiming to be the registered owner of one or more parcels of the land, the collector may, after giving notice of the application to the owner of the land entered in the register, apportion the arrears of tax, interest and penalties and the current year's tax upon such parcels in proportion to their relative assessed value as determined from the assessment shown in the register at the date of the application.

Idem

(2) The payment of the apportionment assigned to any parcel under subsection 1 is a satisfaction of the tax, interest and penalties thereon.

Idem

(3) Forthwith after an apportionment has been made, the collector shall enter it in the register, and thereafter each parcel of the land affected is liable only for the amount of tax, interest and penalties apportioned or charged thereto, and is only liable for forfeiture for non-payment of the tax, interest and penalties so apportioned or charged against it. *New.*

#### FORFEITURE OF LANDS FOR ARREARS OF TAX

Notice of forfeiture

**33.**—(1) Where any part of the tax imposed under this Act remains unpaid for a period of two years or more, the collector may cause to be filed on or before the 31st day of August in any year in the proper land titles or registry office a caution in the prescribed form, and thereupon he shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the proper land titles or registry office to be the owner of the land in respect of which the default has been made and to every person appearing from such search or inquiry to have an interest therein, stating that, unless the total amount of tax, interest, penalties and

costs due and payable under this Act is paid on or before the 31st day of August in the year next following, the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate under the hand of the Minister or the Deputy Minister, and to the amount so due and payable there shall in every case be added and paid as costs the prescribed sum. R.S.O. 1960, c. 313, s. 23 (1), *amended*.

(2) Where no letters patent from the Crown have issued <sup>Idem</sup> granting land in respect of which tax remains unpaid for a period of two years or more, the collector may send by registered mail a notice mentioned in subsection 1 to the person entered in the register as the owner of the land, and the sending of such notice shall be deemed to be compliance with the provisions of subsection 1.

(3) The collector shall cause to be prepared a list of the <sup>Publication of notice</sup> lands in respect of which notices under subsections 1 and 2 have been mailed and shall cause the list to be published in one issue of *The Ontario Gazette* not later than the 31st day of December next following the mailing of the notices and giving notice that, unless the total amount of tax, interest, penalties and costs shown therein is paid on or before the 31st day of August in the year next following, the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate under the hand of the Minister or the Deputy Minister. R.S.O. 1960, c. 313, s. 23 (2), *amended*.

(4) Where any part of the tax, interest, penalties and <sup>Declaration of forfeiture</sup> costs remains unpaid after the 31st day of August in the year next following the publication of the list in *The Ontario Gazette* under subsection 3, the Minister or the Deputy Minister by a certificate may, on and after the 1st day of September next following, declare the lands and every interest therein forfeited to and vested in the Crown, and thereupon, subject to subsections 5 and 6, the land and every interest therein vests in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing, arising or accruing before or after such forfeiture is declared, and the land may be granted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario. R.S.O. 1960, c. 313, s. 23 (3), *amended*.

(5) Where land, other than land held under a lease or licence <sup>Mining lands</sup> of occupation, that is subject to forfeiture under this Act is also subject to the acreage tax under *The Mining Act*, such <sup>R.S.O. 1960, c. 241</sup> forfeiture shall be of the surface rights only. *New*.

**Easements** (6) Where a dominant tenement is forfeited, any easement appurtenant thereto passes to the Crown and, where a servient tenement is forfeited, the forfeiture does not affect any easement to which the servient tenement is subject. R.S.O. 1960, c. 313, s. 23 (4).

**Registration of certificate** (7) The proper master of titles or registrar of deeds shall upon receipt of the certificate duly register the same, and it is absolute and conclusive evidence of the forfeiture to the Crown of the land and every interest therein so certified to be forfeited, and is not open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture. R.S.O. 1960, c. 313, s. 23 (5).

**R.S.O. 1960, cc. 348, 204, not to apply to forfeited lands** (8) Upon registration of a certificate of forfeiture in the registry or land titles office, *The Registry Act* or *The Land Titles Act*, as the case may be, ceases to apply to the land forfeited, and the registrar or local master of titles shall note that fact in his register in red ink.

**Land forfeited in error** **34.** Where land has been forfeited in error to the Crown under this Act or any predecessor of this Act, the Minister or the Deputy Minister, by a certificate under his hand, may revoke, cancel or annul the forfeiture in so far as it has reference to land forfeited to the Crown in error, and thereupon such land reverts to the owner of the land at the time of forfeiture, his heirs, successors or assigns, subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding. *New.*

#### OFFENCES

**Not making returns** **35.** Every owner who makes default in completing or making a return or notice required by this Act within the prescribed period is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 and an additional fine of \$10 for each day during which default continues. R.S.O. 1960, c. 313, s. 25, *amended*.

**False statements** **36.** Every person who knowingly makes a false statement in any return or notice required by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1960, c. 313, s. 26, *amended*.

**Offence for obstructing collector, etc.** **37.** Every person who wilfully obstructs or interferes with the collector or any other officer or the county or district court judge in the performance of his duties under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1960, c. 313, s. 8, *amended*.

## REGULATIONS

**38.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing any return, bill or other form required for the purposes of this Act;
- (b) designating classes of land and declaring the same to be exempt, wholly or partially, from taxation under this Act;
- (c) designating classes of land and prescribing the rate of tax applicable to each class;
- (d) amending the table of rates set out in subsection 2 of section 10;
- (e) designating pipes in addition to those mentioned in subclause i of clause i of section 1 as pipe lines;
- (f) prescribing the costs to be paid under subsection 1 of section 33;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 313, s. 27, *amended*.

## MISCELLANEOUS

**39.** *The Provincial Land Tax Act* is repealed.

R.S.O. 1960,  
c. 313,  
repealed

**40.** This Act comes into force on the 1st day of January, Commence-  
ment  
1963.

**41.** This Act may be cited as *The Provincial Land Tax Act*, Short title  
1961-62.

## The Provincial Land Tax Act, 1961-62

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*1st Reading*

April 3rd, 1962

*2nd Reading*

April 16th, 1962

*3rd Reading*

April 18th, 1962

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MR. SPOONER

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# **BILL 150**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund**

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**MR. ALLAN (Haldimand-Norfolk)**

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12/12/12  
(12/12/12)

## BILL 150

1961-62

## An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$125,000,000. Loans up to \$125,000,000 authorized

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. Idem

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. Idem R.S.O. 1960, c. 142

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Ontario Loan Act, 1961-62*.





THE HISTORY OF THE  
CITY OF LONDON  
FROM THE CONQUEST OF THE ENGLISH

An Act to authorize the Raising of Money  
on the Credit of the Consolidated  
Revenue Fund

*1st Reading*

April 3rd, 1962

*2nd Reading*

*3rd Reading*

MR. ALLAN (Haldimand-Norfolk)



**BILL 150**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act to authorize the Raising of Money on the  
Credit of the Consolidated Revenue Fund**

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**MR. ALLAN (Haldimand-Norfolk)**

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10A 10A  
10A 10A

## BILL 150

1961-62

## An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$125,000,000. <sup>Loans up to \$125,000,000 authorized</sup>

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. <sup>Idem</sup>

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. <sup>Idem R.S.O. 1960, c. 142</sup>

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Ontario Loan Act, 1961-62*.







An Act to authorize the Raising of Money  
on the Credit of the Consolidated  
Revenue Fund

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*1st Reading*

April 3rd, 1962

*2nd Reading*

April 6th, 1962

*3rd Reading*

April 17th, 1962

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MR. ALLAN (Haldimand-Norfolk)

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# **BILL 151**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Income Tax Act, 1961-62**

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**MR. ALLAN (Haldimand-Norfolk)**

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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment will remove an anomaly in the present definition. The term "collection agreement" is removed as it has another meaning elsewhere in the Act.

Subsection 2. The new definition of "member of the Canadian Forces" is introduced in connection with the various amendments in this Bill concerning the taxation of members of the Armed Forces.

Subsection 3. The definition of "taxation year" is extended to include the definition of "taxation year" contained in the federal *Income Tax Act*.

## BILL 151

1961-62

## An Act to amend The Income Tax Act, 1961-62

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 1 of subsection 1 of section 1 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

1961-62.  
C. ...  
s. 1, subs. 1,  
par. 1,  
re-enacted

1. "agreeing province" means a province that has entered into an agreement with the Government of Canada under which the Government of Canada will collect taxes payable under the income tax statute of that province and will make payments to that province in respect of the taxes so collected.

(2) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph:

1961-62.  
C. ...  
s. 1, subs. 1,  
amended

- 16a. "member of the Canadian forces" means a member as defined for the purposes of Part XXIII of the Federal Regulations.

(3) Paragraph 25 of subsection 1 of the said section 1 is repealed and the following substituted therefor:

1961-62.  
C. ...  
s. 1, subs. 1,  
par. 25,  
re-enacted

25. "taxation year" means,

- i. in the case of an individual, a calendar year, and
- ii. in the case of an estate or trust arising on death, notwithstanding clause *a*, a taxation year as defined in paragraph *a* of subsection 13 of section 63 of the Federal Act,

and, when a taxation year is referred to by reference to a calendar year, the reference is to the taxation year or years coinciding with, or ending in, that year.

1961-62,  
c. . . . .  
s. 1, subs. 2, following substituted therefor:

Idem

- (2) The expression "last day of the taxation year" shall, in the case of an individual who resided in Canada at any time in the taxation year but ceased to reside in Canada before the last day thereof, be deemed to be a reference to the last day in the taxation year on which he resided in Canada.

1961-62,  
c. . . . .  
s. 2,  
re-enacted

**2.** Section 2 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

Income tax  
on  
individuals

- 2.—(1) An income tax shall be paid as hereinafter required for each of the 1962 to 1966 taxation years, inclusive, by every individual, other than an individual to whom subsection 2 applies,

- (a) who was resident in Ontario on the last day of the taxation year; or
- (b) who, not being resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3.

Income tax  
on members  
of the  
Canadian  
Forces

- (2) An income tax shall be paid as hereinafter required for each of the 1962 to 1966 taxation years, inclusive, by every individual who, during the taxation year, was a member of the Canadian Forces to whom section 5 applies.

1961-62,  
c. . . . .  
s. 3, subs. 4,  
cl. a,  
re-enacted

**3.**—(1) Clause *a* of subsection 4 of section 3 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

- (a) "tax payable under the Federal Act" means the amount of tax payable under Part I of the Federal Act for the taxation year in respect of which that expression is being applied, minus any amount included in computing that amount by virtue of subsection 3 of section 10 of the *Old Age Security Act* (Canada), plus any amount deducted in computing that amount by virtue of sections 33 and 41 of the Federal Act.

R.S.C. 1952,  
c. 200

1961-62,  
c. . . . .  
s. 3, subs. 4,  
amended

- (2) Subsection 4 of the said section 3 is amended by striking out "and" at the end of clause *c*, by adding "and" at the end of clause *d* and by adding thereto the following clause:

- (e) "individual" does not include an individual who was a member of the Canadian Forces during the taxation year to which section 5 applies.

Subsection 4. The expression "last day of the taxation year" is redefined for clarity. The same words that appear in the federal *Income Tax Act* are set out rather than including them by reference.

SECTION 2. The charging section is amended to include a provision for members of the Canadian Forces whose tax is calculated under section 4 of the Act as amended by section 4 of this Bill.

SECTION 3—Subsection 1. This amendment is complementary to the amendments made to section 4 of the Act by section 4 of this Bill. It is no longer necessary to refer to regulations made under section 66 of the federal *Income Tax Act*.

Subsection 2. This amendment is also complementary to the amendments to section 4 of the Act by section 4 of this Bill. It removes from the application of section 3 any person who is a member of the Canadian Forces during a taxation year.

SECTION 4. This amendment is designed to dovetail with changes being made to the regulations under section 66 of the federal *Income Tax Act*.

4. Section 4 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

1961-62,  
C. ....,  
S. 4,  
re-enacted

4.—(1) This section applies to an individual who, during a taxation year, was a member of the Canadian Forces and who,

Allocation  
of tax on  
members  
of the  
Canadian  
Forces

(a) on the first day of a taxation month in the taxation year, performed his normal duties as a member of the Canadian Forces, or would have performed his normal duties as a member of the Canadian Forces if he had not been on temporary duty or on temporary attachment, at a place located within Ontario or on board a sea-going ship, the home port of which is located within Ontario;

(b) was resident in Ontario on the last day of the taxation year and had income earned in the taxation year from sources other than employment as a member of the Canadian Forces during that taxation year; or

(c) not being a resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario from sources other than employment as a member of the Canadian Forces during that taxation year.

(2) The Lieutenant Governor in Council may by regulation provide for the determination of the amount of tax payable for a taxation year by an individual who was a member of the Canadian Forces during that taxation year to whom this section applies, based on rates applicable to other individuals under this Act, and may provide for the manner in which the tax so determined is to be paid.

Determina-  
tion of  
amount  
of tax

(3) In this section,

Interpre-  
tation

(a) "income earned in the taxation year in Ontario from sources other than employment as a member of the Canadian Forces" has the same meaning as "income earned in the taxation year in Ontario" as defined in clause b of subsection 4 of section 3, except that, in applying that definition in the case of a member of the Canadian Forces, he shall be deemed to have had no income from employment as a member of the Canadian Forces

in the taxation year and the amount of his income from sources other than his employment as a member of the Canadian Forces earned in that taxation year shall be computed with reference to the provisions of Part XXIII of the Federal Regulations;

- (b) "taxation month" means a taxation month as defined for the purposes of Part XXIII of the Federal Regulations.

1961-62,  
C. . . . .  
s. 13,  
re-enacted

**5.** Section 13 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

Application  
of certain  
provisions

13. Sections 52 and 53, subsection 2 of section 63, paragraph *e* of subsection 13 of section 63 and paragraph *a* of subsection 2 of section 64 of the Federal Act apply *mutatis mutandis* in respect of the payment of tax under this Act for a taxation year by a taxpayer subject to tax under this Act to whom such provisions apply in respect of tax payable under the Federal Act for the same taxation year.

1961-62,  
C. . . . .  
s. 47, sube. 2,  
re-enacted

**6.** Subsection 2 of section 47 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

No further  
liability

- (2) Any payment or part thereof applied by the Minister in accordance with a collection agreement towards the tax payable by a taxpayer for a taxation year under this Act,

(a) relieves the taxpayer of liability to pay such tax to the extent of the payment or part thereof so applied; and

(b) shall be deemed to have been applied in accordance with a direction made by the taxpayer.

1961-62,  
C. . . . .  
s. 48,  
re-enacted

**7.** Section 48 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

Where no  
action by  
employee

48. Where a collection agreement is entered into and an amount is remitted to the Minister under section 9 on account of the tax of an individual who is resident on the last day of the taxation year in another agreeing province,

(a) no action lies for the recovery of such amount by that individual; and

(b) the amount may not be applied in discharge of any liability of that individual under this Act.



**SECTION 5.** This amendment is designed to ensure that a trust or estate is to be taxed as if it were an individual in the same manner as is done under subsection 2 of section 63 of the federal *Income Tax Act*.

**SECTION 6.** This amendment makes any application of payments by the Minister under subsection 1 of section 47 of the Ontario Act binding on the taxpayer.

**SECTION 7.** This amendment will ensure that no amounts deducted at the source from the wages of an individual who has moved from Ontario to another agreeing province may be applied against tax payable in Ontario in respect of income that the taxpayer may have earned there.

SECTION 8. This section introduces a new section to the Act to provide for an agreement between Ontario and the Minister of Finance of a non-agreeing province whereby adjusting payments may be made by Ontario to the non-agreeing province and by the non-agreeing province to Ontario with respect to taxes deducted at the source by employers on account of tax payable by an employee in one of the provinces who resides in the other on the last day of the taxation year. It is similar in principle to the provisions of sections 48 and 49 of the present Act which deal with the same situation when an employee working in one province resides in another and both of the provinces have collection agreements with the federal government.

8. *The Income Tax Act, 1961-62* is amended by adding thereto the following section: 1961-62,  
C. ...  
amended

49a.—(1) In this section, Interpre-  
tation

(a) “adjusting payment” means a payment, calculated in accordance with this section, made by or on the direction of the Government of Ontario to a non-agreeing province;

(b) “non-agreeing province” means a province that is not an agreeing province.

(2) Where in respect of a taxation year the Treasurer or the Minister of Finance of a non-agreeing province is authorized to make a payment to Ontario that is similar to an adjusting payment, the Lieutenant Governor in Council may authorize the Treasurer to make an adjusting payment to that non-agreeing province and to enter into any agreement that may be necessary to carry out the purposes of this section. Adjust-  
ments  
between  
Ontario and  
non-agreeing  
province

(3) Where a collection agreement is entered into, the adjusting payment that may be made pursuant to subsection 2 may be made by the Government of Canada where it has agreed to act on the direction of Ontario as communicated by the Treasurer to the Minister. Basis of  
payment  
under  
collection  
agreement

(4) The adjusting payment to be made under this section shall be in an amount that is equal to the aggregate of the amounts deducted or withheld under section 9 in respect of the tax payable for a taxation year by individuals who file returns under the Federal Act in respect of that year and who are resident on the last day of that year in the non-agreeing province to which the adjusting payment is to be made. Calculation  
of adjusting  
payment

(5) Where an adjusting payment is to be made and an amount has been remitted under section 9 on account of the tax for a taxation year of an individual who is resident on the last day of that taxation year in the non-agreeing province, Where no  
action by  
employee

(a) no action lies for the recovery of such amount by that individual; and

(b) the amount may not be applied in discharge of any liability of that individual under this Act.

(6) Where an adjusting payment to a non-agreeing province is to be made under this section for a tax- Application  
of tax paid  
by employee

tion year, an individual resident in Ontario on the last day of the taxation year is not required to remit any amount on account of tax payable by him under this Act for the taxation year to the extent of the amount deducted or withheld on account of his income tax for that year under the law of that non-agreeing province.

Idem

- (7) Where an adjusting payment to a non-agreeing province is to be made under this section for a taxation year, the total amount deducted or withheld on account of tax payable under this Act and on account of the income tax payable under the law of the non-agreeing province by an individual resident in Ontario on the last day of the taxation year to whom subsection 6 applies exceeds the tax payable by him under this Act for that year, section 17 of this Act applies in respect of such individual as though the excess were an overpayment under this Act.

Adjustment  
of payment  
to agreeing  
province  
under  
collection  
agreement

- (8) Where a collection agreement is entered into and the Government of Canada has agreed in respect of a taxation year to carry out the direction of Ontario to make an adjusting payment on behalf of Ontario, the adjusting payment,

(a) shall be made out of any moneys that have been collected on account of tax under this Act for any taxation year; and

(b) shall be the amount calculated by the Minister to be the amount required to be paid under subsection 4,

and the payment thereof discharges any obligation the Government of Canada may have with respect to the payment to Ontario of any amount remitted under section 9 to which subsection 5 applies.

Application  
of Act

**9.—**(1) This Act, except section 7, applies in respect of the taxation year 1962 and in respect of subsequent taxation years.

Idem

(2) Section 7 applies in respect of the taxation year 1963 and in respect of subsequent taxation years.

Commence-  
ment

**10.** This Act comes into force on the day it receives Royal Assent.

Short title

**11.** This Act may be cited as *The Income Tax Amendment Act, 1961-62*.





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An Act to amend  
The Income Tax Act, 1961-62

*1st Reading*

April 3rd, 1962

*2nd Reading*

*3rd Reading*

MR. ALAN (Haldimand-Norfolk)



# **BILL 151**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act to amend The Income Tax Act, 1961-62**

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**MR. ALLAN (Haldimand-Norfolk)**

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## BILL 151

1961-62

## An Act to amend The Income Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 1 of subsection 1 of section 1 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

1961-62,  
c. 1, subs. 1,  
par. 1,  
re-enacted

1. "agreeing province" means a province that has entered into an agreement with the Government of Canada under which the Government of Canada will collect taxes payable under the income tax statute of that province and will make payments to that province in respect of the taxes so collected.

(2) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph:

1961-62,  
c. 1, subs. 1,  
s. 1, subs. 1,  
amended

- 16a. "member of the Canadian forces" means a member as defined for the purposes of Part XXIII of the Federal Regulations.

(3) Paragraph 25 of subsection 1 of the said section 1 is repealed and the following substituted therefor:

1961-62,  
c. 1, subs. 1,  
s. 1, subs. 1,  
par. 25,  
re-enacted

25. "taxation year" means,

- i. in the case of an individual, a calendar year, and
- ii. in the case of an estate or trust arising on death, notwithstanding clause *a*, a taxation year as defined in paragraph *a* of subsection 13 of section 63 of the Federal Act,

and, when a taxation year is referred to by reference to a calendar year, the reference is to the taxation year or years coinciding with, or ending in, that year.

1961-62,  
c. ....  
s. 1, subs. 2, following substituted therefor:

Idem

- (2) The expression "last day of the taxation year" shall, in the case of an individual who resided in Canada at any time in the taxation year but ceased to reside in Canada before the last day thereof, be deemed to be a reference to the last day in the taxation year on which he resided in Canada.

1961-62,  
c. ....  
s. 2,  
re-enacted

**2.** Section 2 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

Income tax  
on  
individuals

- 2.—(1) An income tax shall be paid as hereinafter required for each of the 1962 to 1966 taxation years, inclusive, by every individual, other than an individual to whom subsection 2 applies,

(a) who was resident in Ontario on the last day of the taxation year; or

(b) who, not being resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario as defined in clause *b* of subsection 4 of section 3.

Income tax  
on members  
of the  
Canadian  
Forces

- (2) An income tax shall be paid as hereinafter required for each of the 1962 to 1966 taxation years, inclusive, by every individual who, during the taxation year, was a member of the Canadian Forces to whom section 5 applies.

1961-62,  
c. ....  
s. 3, subs. 4,  
cl. *a*,  
re-enacted

**3.**—(1) Clause *a* of subsection 4 of section 3 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

- (a) "tax payable under the Federal Act" means the amount of tax payable under Part I of the Federal Act for the taxation year in respect of which that expression is being applied, minus any amount included in computing that amount by virtue of subsection 3 of section 10 of the *Old Age Security Act* (Canada), plus any amount deducted in computing that amount by virtue of sections 33 and 41 of the Federal Act.

R.S.C. 1952,  
c. 200

1961-62,  
c. ....  
s. 3, subs. 4,  
amended

- (2) Subsection 4 of the said section 3 is amended by striking out "and" at the end of clause *c*, by adding "and" at the end of clause *d* and by adding thereto the following clause:

- (e) "individual" does not include an individual who was a member of the Canadian Forces during the taxation year to which section 5 applies.

4. Section 4 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

1961-62,  
c. ....,  
s. 4,  
re-enacted

4.—(1) This section applies to an individual who, during a taxation year, was a member of the Canadian Forces and who,

Allocation  
of tax on  
members  
of the  
Canadian  
Forces

(a) on the first day of a taxation month in the taxation year, performed his normal duties as a member of the Canadian Forces, or would have performed his normal duties as a member of the Canadian Forces if he had not been on temporary duty or on temporary attachment, at a place located within Ontario or on board a sea-going ship, the home port of which is located within Ontario;

(b) was resident in Ontario on the last day of the taxation year and had income earned in the taxation year from sources other than employment as a member of the Canadian Forces during that taxation year; or

(c) not being a resident in Ontario on the last day of the taxation year, had income earned in the taxation year in Ontario from sources other than employment as a member of the Canadian Forces during that taxation year.

(2) The Lieutenant Governor in Council may by regulation provide for the determination of the amount of tax payable for a taxation year by an individual who was a member of the Canadian Forces during that taxation year to whom this section applies, based on rates applicable to other individuals under this Act, and may provide for the manner in which the tax so determined is to be paid.

Determina-  
tion of  
amount  
of tax

(3) In this section,

Interpre-  
tation

(a) "income earned in the taxation year in Ontario from sources other than employment as a member of the Canadian Forces" has the same meaning as "income earned in the taxation year in Ontario" as defined in clause b of subsection 4 of section 3, except that, in applying that definition in the case of a member of the Canadian Forces, he shall be deemed to have had no income from employment as a member of the Canadian Forces

in the taxation year and the amount of his income from sources other than his employment as a member of the Canadian Forces earned in that taxation year shall be computed with reference to the provisions of Part XXIII of the Federal Regulations;

- (b) "taxation month" means a taxation month as defined for the purposes of Part XXIII of the Federal Regulations.

1961-62,  
C. . . . .  
s. 13,  
re-enacted

5. Section 13 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

Application  
of certain  
provisions

13. Sections 52 and 53, subsection 2 of section 63, paragraph *e* of subsection 13 of section 63 and paragraph *a* of subsection 2 of section 64 of the Federal Act apply *mutatis mutandis* in respect of the payment of tax under this Act for a taxation year by a taxpayer subject to tax under this Act to whom such provisions apply in respect of tax payable under the Federal Act for the same taxation year.

1961-62,  
C. . . . .  
s. 47, subs. 2,  
re-enacted

6. Subsection 2 of section 47 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

No further  
liability

- (2) Any payment or part thereof applied by the Minister in accordance with a collection agreement towards the tax payable by a taxpayer for a taxation year under this Act,
- (a) relieves the taxpayer of liability to pay such tax to the extent of the payment or part thereof so applied; and
- (b) shall be deemed to have been applied in accordance with a direction made by the taxpayer.

1961-62,  
C. . . . .  
s. 48,  
re-enacted

7. Section 48 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

Where no  
action by  
employee

48. Where a collection agreement is entered into and an amount is remitted to the Minister under section 9 on account of the tax of an individual who is resident on the last day of the taxation year in another agreeing province,
- (a) no action lies for the recovery of such amount by that individual; and
- (b) the amount may not be applied in discharge of any liability of that individual under this Act.

8. *The Income Tax Act, 1961-62* is amended by adding thereto the following section:

1961-62,  
C. . . . .  
amended

49a.—(1) In this section,

Interpre-  
tation

(a) "adjusting payment" means a payment, calculated in accordance with this section, made by or on the direction of the Government of Ontario to a non-agreeing province;

(b) "non-agreeing province" means a province that is not an agreeing province.

(2) Where in respect of a taxation year the Treasurer or the Minister of Finance of a non-agreeing province is authorized to make a payment to Ontario that is similar to an adjusting payment, the Lieutenant Governor in Council may authorize the Treasurer to make an adjusting payment to that non-agreeing province and to enter into any agreement that may be necessary to carry out the purposes of this section.

Adjust-  
ments  
between  
Ontario and  
non-agreeing  
province

(3) Where a collection agreement is entered into, the adjusting payment that may be made pursuant to subsection 2 may be made by the Government of Canada where it has agreed to act on the direction of Ontario as communicated by the Treasurer to the Minister.

Basis of  
payment  
under  
collection  
agreement

(4) The adjusting payment to be made under this section shall be in an amount that is equal to the aggregate of the amounts deducted or withheld under section 9 in respect of the tax payable for a taxation year by individuals who file returns under the Federal Act in respect of that year and who are resident on the last day of that year in the non-agreeing province to which the adjusting payment is to be made.

Calculation  
of adjusting  
payment

(5) Where an adjusting payment is to be made and an amount has been remitted under section 9 on account of the tax for a taxation year of an individual who is resident on the last day of that taxation year in the non-agreeing province,

Where no  
action by  
employee

(a) no action lies for the recovery of such amount by that individual; and

(b) the amount may not be applied in discharge of any liability of that individual under this Act.

(6) Where an adjusting payment to a non-agreeing province is to be made under this section for a tax-

Application  
of tax paid  
by employee

tion year, an individual resident in Ontario on the last day of the taxation year is not required to remit any amount on account of tax payable by him under this Act for the taxation year to the extent of the amount deducted or withheld on account of his income tax for that year under the law of that non-agreeing province.

Idem

- (7) Where an adjusting payment to a non-agreeing province is to be made under this section for a taxation year, the total amount deducted or withheld on account of tax payable under this Act and on account of the income tax payable under the law of the non-agreeing province by an individual resident in Ontario on the last day of the taxation year to whom subsection 6 applies exceeds the tax payable by him under this Act for that year, section 17 of this Act applies in respect of such individual as though the excess were an overpayment under this Act.

Adjustment  
of payment  
to agreeing  
province  
under  
collection  
agreement

- (8) Where a collection agreement is entered into and the Government of Canada has agreed in respect of a taxation year to carry out the direction of Ontario to make an adjusting payment on behalf of Ontario, the adjusting payment,

(a) shall be made out of any moneys that have been collected on account of tax under this Act for any taxation year; and

(b) shall be the amount calculated by the Minister to be the amount required to be paid under subsection 4,

and the payment thereof discharges any obligation the Government of Canada may have with respect to the payment to Ontario of any amount remitted under section 9 to which subsection 5 applies.

Application  
of Act

**9.**—(1) This Act, except section 7, applies in respect of the taxation year 1962 and in respect of subsequent taxation years.

Idem

(2) Section 7 applies in respect of the taxation year 1963 and in respect of subsequent taxation years.

Commence-  
ment

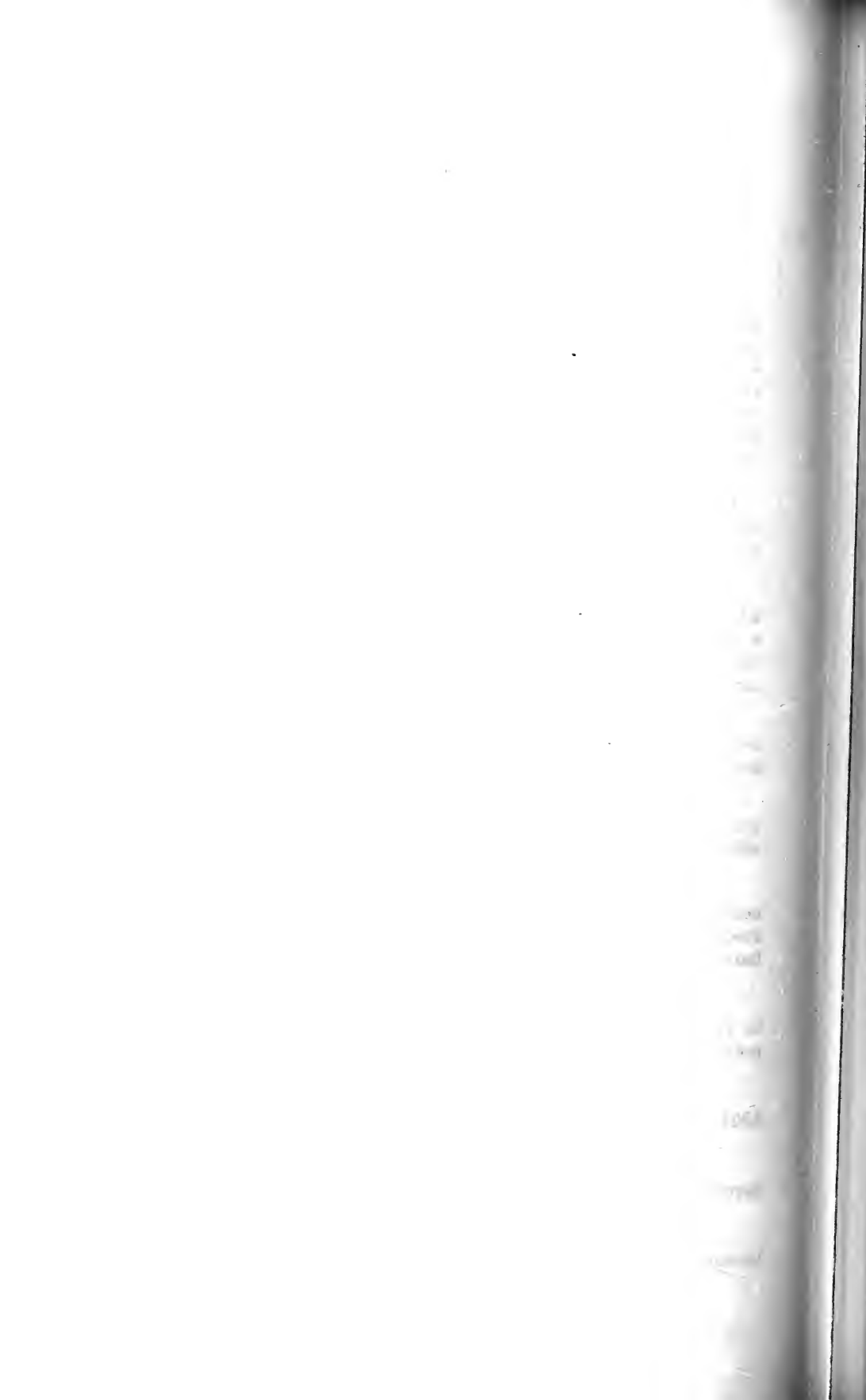
**10.** This Act comes into force on the day it receives Royal Assent.

Short title

**11.** This Act may be cited as *The Income Tax Amendment Act, 1961-62*.







1890-1891

An Act to amend  
The Income Tax Act, 1961-62

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*1st Reading*

April 3rd, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 17th, 1962

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MR. ALLAN (Haldimand-Norfolk)

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# **BILL 152**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Tile Drainage Act**

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**MR. ALLAN (Haldimand-Norfolk)**

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#### EXPLANATORY NOTES

SECTIONS 1 and 2. The amendments remove the necessity of having every purchase of debentures authorized by an order in council and increases the limit of \$5,000,000 to \$10,000,000.

SECTION 3. The amendment removes the limit of \$3,000 with respect to loans to individuals. Hereafter the limit will be 75 per cent of the total cost of the work.

SECTION 4. The amendment provides that municipal annual returns shall be made to the Minister of Agriculture instead of to the Provincial Secretary as is now required.

## BILL 152

1961-62

## An Act to amend The Tile Drainage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Tile Drainage Act* is repealed. R.S.O. 1960,  
c. 399, s. 6,  
repealed
2. Section 9 of *The Tile Drainage Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 399, s. 9,  
re-enacted
  9. The Treasurer of Ontario may purchase, acquire and hold debentures issued under this Act to an extent not exceeding in the whole \$10,000,000 at any time, and pay therefor out of the Consolidated Revenue Fund. Purchase of  
debentures  
out of  
Consolidated  
Revenue  
Fund
3. Section 14 of *The Tile Drainage Act* is amended by striking out "\$3,000 for each 100 acres or fraction thereof, nor" in the second line, so that the section shall read as follows: R.S.O. 1960,  
c. 399, s. 14,  
amended
14. The amount loaned to any one person shall not exceed 75 per cent of the total cost of the work. Limit of  
loan to  
individual
4. Section 21 of *The Tile Drainage Act* is amended by striking out "Provincial Secretary" in the third line and inserting in lieu thereof "Minister of Agriculture" and by inserting after "rods" in the fifth line "or feet", so that the section shall read as follows: R.S.O. 1960,  
c. 399, s. 21,  
amended
21. A council that has borrowed money shall, on or before the 15th day of January in each year, make a return to the Minister of Agriculture, showing, for the year that ended on the 31st day of December next preceding, the amount expended in drainage, the number of rods or feet of drain constructed, the names of the borrowers, the land upon which the Returns to  
Minister of  
Agriculture  
by municipal  
council

money has been lent, the names of the persons whose applications have been refused and the reasons in each case for the refusal.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Tile Drainage Amendment Act, 1961-62*.









An Act to amend  
The Tile Drainage Act

*1st Reading*

April 3rd, 1962

*2nd Reading*

*3rd Reading*

MR. ALLAN (Haldimand-Norfolk)

# **BILL 152**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Tile Drainage Act**

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**MR. ALLAN (Haldimand-Norfolk)**

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1. The first part of the report is a general statement of the purpose and scope of the study. It is followed by a brief review of the literature on the subject.

2. The second part of the report is a description of the methods used in the study. This includes a discussion of the subjects, the instruments used, and the procedures followed.

3. The third part of the report is a presentation of the results of the study. This includes a discussion of the data collected and the conclusions drawn from it.

## BILL 152

1961-62

## An Act to amend The Tile Drainage Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Tile Drainage Act* is repealed.

R.S.O. 1960,  
c. 399, s. 6,  
repealed

2. Section 9 of *The Tile Drainage Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 399, s. 9,  
re-enacted

9. The Treasurer of Ontario may purchase, acquire and hold debentures issued under this Act to an extent not exceeding in the whole \$10,000,000 at any time, and pay therefor out of the Consolidated Revenue Fund.

Purchase of  
debentures  
out of  
Consolidated  
Revenue  
Fund

3. Section 14 of *The Tile Drainage Act* is amended by striking out "\$3,000 for each 100 acres or fraction thereof, nor" in the second line, so that the section shall read as follows:

R.S.O. 1960,  
c. 399, s. 14,  
amended

14. The amount loaned to any one person shall not exceed 75 per cent of the total cost of the work.

Limit of  
loan to  
individual

4. Section 21 of *The Tile Drainage Act* is amended by striking out "Provincial Secretary" in the third line and inserting in lieu thereof "Minister of Agriculture" and by inserting after "rods" in the fifth line "or feet", so that the section shall read as follows:

R.S.O. 1960,  
c. 399, s. 21,  
amended

21. A council that has borrowed money shall, on or before the 15th day of January in each year, make a return to the Minister of Agriculture, showing, for the year that ended on the 31st day of December next preceding, the amount expended in drainage, the number of rods or feet of drain constructed, the names of the borrowers, the land upon which the

Returns to  
Minister of  
Agriculture  
by municipal  
council

money has been lent, the names of the persons whose applications have been refused and the reasons in each case for the refusal.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Tile Drainage Amendment Act, 1961-62*.





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Am

July 2nd 1883  
1st Yearbook

The Life Magazine Vol

An Act to amend  
The Tile Drainage Act

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*1st Reading*

April 3rd, 1962

*2nd Reading*

April 6th, 1962

*3rd Reading*

April 17th, 1962

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MR. ALAN (Haldimand-Norfolk)

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# **BILL 153**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Succession Duty Act**

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**MR. ALLAN (Haldimand-Norfolk)**

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EXPLANATORY NOTES

SECTION 1. The amount of insurance that may be paid to a widow without the consent of the Treasurer of Ontario is increased from **\$2,500** to **\$5,000**.

SECTION 2. This amendment is complementary to the amendment to subsection 7 of section 16 of the Act.

## BILL 153

1961-62

## An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 10 of *The Succession Duty Act* R.S.O. 1960, c. 386, s. 10, subs. 2, re-enacted is repealed and the following substituted therefor:

(2) Notwithstanding anything in this Act, any insurance company may, without the consent of the Treasurer, Payment of insurance, where no consent necessary

(a) make payment not exceeding \$5,000 to the widow of the deceased; and

(b) make payment not exceeding \$2,500 in the aggregate to any other person or persons,

due under any contract or contracts of insurance mentioned in subsection 1, and, where any such payment exceed \$600, notice of such payment shall be transmitted forthwith to the Treasurer.

2. Clause c of subsection 1 of section 15 of *The Succession Duty Act* R.S.O. 1960, c. 386, s. 15, subs. 1, cl. c, amended is amended by inserting after "possession" in the third line "or commences to be enjoyed", so that the clause shall read as follows:

(c) for the payment of any duty with respect to an interest in expectancy that is not to be paid until such interest falls into possession or commences to be enjoyed or for any duty that is not ascertainable until some future time, by bond acceptable to him and in such penal sum as he requires or by deposit with him of securities acceptable to him of a value which he deems to be sufficient.

R.S.O. 1960,  
c. 386, s. 16,  
subs. 1,  
amended

3.—(1) Subsection 1 of section 16 of *The Succession Duty Act* is amended by striking out “paid” in the second line and inserting in lieu thereof “is payable” and by striking out “and if the duty or any part thereof is paid within such period no interest is chargeable or payable on the amount so paid” in the third and fourth lines, so that the subsection shall read as follows:

When duty  
payable,  
general rule

- (1) Unless otherwise provided, duty is due at the death of the deceased and is payable within six months thereafter.

R.S.O. 1960,  
c. 386, s. 16,  
subs. 6,  
amended

(2) Subsection 6 of the said section 16 is amended by inserting after “possession” in the fourth line “or commences to be enjoyed”, so that the subsection shall read as follows:

Interests in  
expectancy  
before  
possession  
or enjoyment

- (6) Notwithstanding subsections 3, 4, 5 and 7, the duty mentioned in subsections 3 and 4 may, with the consent of the Treasurer, be paid after the time provided by subsection 1 and before such interest in expectancy falls into possession or commences to be enjoyed and shall be on the basis of the value of such interest in expectancy ascertained as provided in this Act as at the date when such consent is given and no deduction shall be made for any duty paid on or with respect to any prior interest, income or annuity arising out of the property in respect of which such interest in expectancy exists.

R.S.O. 1960,  
c. 386, s. 16,  
subs. 7,  
re-enacted

(3) Subsection 7 of the said section 16 is repealed and the following substituted therefor:

Annuities,  
etc.

- (7) Where any interest in expectancy is an annuity, term of years, life estate or income, the duty mentioned in subsections 3 and 4, if not paid within the time provided by subsection 1, is due when such interest in expectancy commences to be enjoyed, and shall be paid in a number of equal annual instalments equal to,

(a) the number of years,

- (i) of expectancy of life of the person by whom such interest in expectancy is enjoyed, ascertained as provided in subsection 4 of section 3, or

- (ii) for which such annuity, term of years or income is to run,

as the case may be; or

(b) ten,



**SECTION 3—Subsection 1.** This amendment is complementary to the amendments to section 17 of the Act.

**Subsection 2.** This amendment is complementary to the amendment to subsection 7 of section 16 of the Act.

**Subsection 3.** This amendment is to clarify the method of valuation and payment of duty in respect of an interest in expectancy.

SECTION 4. The date from which interest is charged on duty is made, in all cases, the date when the duty became payable. Also, the rate of such interest is changed from 5 per cent to 6 per cent.

whichever is the lesser, on the basis of the value of the property in respect of which such interest in expectancy exists, at the date when such interest commences to be enjoyed, and no deduction shall be made for any duty paid on or with respect to any prior interest, income or annuity arising out of the property in respect of which such interest in expectancy exists, and such instalments shall commence one year after the date when such annuity, term of years, life estate or income commences to be enjoyed.

4.—(1) Subsection 1 of section 17 of *The Succession Duty Act* is amended by striking out "5" in the third line and inserting in lieu thereof "6" and by striking out "of death of the deceased" in the fourth line and inserting in lieu thereof "when such duty became payable", so that the subsection shall read as follows: R.S.O. 1960,  
c. 386, s. 17,  
subs. 1,  
amended

(1) If the duty mentioned in subsection 1 of section 16, or any part thereof, is not paid within the time provided therein, interest at the rate of 6 per cent per annum from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid. Interest on  
duty in  
s. 16, subs. 1

(2) Subsection 2 of the said section 17 is amended by striking out "5" in the third line and inserting in lieu thereof "6", so that the subsection shall read as follows: R.S.O. 1960,  
c. 386, s. 17,  
subs. 2,  
amended

(2) If any instalment of duty mentioned in subsection 2 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate of 6 per cent per annum from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid. Interest on  
duty in  
s. 16, subs. 2

(3) Subsection 3 of the said section 17 is amended by striking out "5" in the fourth line and inserting in lieu thereof "6" and by striking out "of falling into possession" in the fourth and fifth lines and inserting in lieu thereof "when such duty became payable", so that the subsection shall read as follows: R.S.O. 1960,  
c. 386, s. 17,  
subs. 3,  
amended

(3) If the duty mentioned in subsection 5 of section 16, or any part thereof, is not paid within three months after the interest in expectancy falls into possession, interest at the rate of 6 per cent per annum from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid. Interest on  
duty in  
s. 16, subs. 5

R.S.O. 1960,  
c. 386, s. 17,  
subs. 4,  
amended

(4) Subsection 4 of the said section 17 is amended by striking out "5" in the third line and inserting in lieu thereof "6", so that the subsection shall read as follows:

Interest on  
duty in  
s. 16, subs. 7

(4) If any instalment of duty mentioned in subsection 7 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate of 6 per cent per annum from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

Application  
of Act

R.S.O. 1960,  
c. 386

5. Where the deceased died before this Act came into force, the provisions of *The Succession Duty Act* in force at the date of his death relating to the payment of interest on unpaid duty apply, except that, where an interest in expectancy falls into possession or commences to be enjoyed after this Act came into force and the duty in respect thereof is not paid within the time provided by subsection 1 of section 16 of *The Succession Duty Act*, the provisions of this Act apply.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Succession Duty Amendment Act, 1961-62*.

SECTION 5. Self-explanatory.





An Act to amend  
The Succession Duty Act

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*1st Reading*

April 3rd, 1962

*2nd Reading*

*3rd Reading*

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Mr. ALAN (Haldimand-Norfolk)

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# **BILL 153**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Succession Duty Act**

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**MR. ALLAN (Haldimand-Norfolk)**

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## BILL 153

1961-62

## An Act to amend The Succession Duty Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 10 of *The Succession Duty Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 386, s. 10,  
subs. 2,  
re-enacted

(2) Notwithstanding anything in this Act, any insurance company may, without the consent of the Treasurer,

Payment of  
insurance,  
where no  
consent  
necessary

(a) make payment not exceeding \$5,000 to the widow of the deceased; and

(b) make payment not exceeding \$2,500 in the aggregate to any other person or persons,

due under any contract or contracts of insurance mentioned in subsection 1, and, where any such payment exceed \$600, notice of such payment shall be transmitted forthwith to the Treasurer.

2. Clause *c* of subsection 1 of section 15 of *The Succession Duty Act* is amended by inserting after "possession" in the third line "or commences to be enjoyed", so that the clause shall read as follows:

R.S.O. 1960,  
c. 386, s. 15,  
subs. 1, cl. *c*,  
amended

(c) for the payment of any duty with respect to an interest in expectancy that is not to be paid until such interest falls into possession or commences to be enjoyed or for any duty that is not ascertainable until some future time, by bond acceptable to him and in such penal sum as he requires or by deposit with him of securities acceptable to him of a value which he deems to be sufficient.

R.S.O. 1960,  
c. 386, s. 16,  
subs. 1,  
amended

3.—(1) Subsection 1 of section 16 of *The Succession Duty Act* is amended by striking out “paid” in the second line and inserting in lieu thereof “is payable” and by striking out “and if the duty or any part thereof is paid within such period no interest is chargeable or payable on the amount so paid” in the third and fourth lines, so that the subsection shall read as follows:

When duty  
payable,  
general rule

- (1) Unless otherwise provided, duty is due at the death of the deceased and is payable within six months thereafter.

R.S.O. 1960,  
c. 386, s. 16,  
subs. 6,  
amended

(2) Subsection 6 of the said section 16 is amended by inserting after “possession” in the fourth line “or commences to be enjoyed”, so that the subsection shall read as follows:

Interests in  
expectancy  
before  
possession  
or enjoyment

- (6) Notwithstanding subsections 3, 4, 5 and 7, the duty mentioned in subsections 3 and 4 may, with the consent of the Treasurer, be paid after the time provided by subsection 1 and before such interest in expectancy falls into possession or commences to be enjoyed and shall be on the basis of the value of such interest in expectancy ascertained as provided in this Act as at the date when such consent is given and no deduction shall be made for any duty paid on or with respect to any prior interest, income or annuity arising out of the property in respect of which such interest in expectancy exists.

R.S.O. 1960,  
c. 386, s. 16,  
subs. 7,  
re-enacted

(3) Subsection 7 of the said section 16 is repealed and the following substituted therefor:

Annuities,  
etc.

- (7) Where any interest in expectancy is an annuity, term of years, life estate or income, the duty mentioned in subsections 3 and 4, if not paid within the time provided by subsection 1, is due when such interest in expectancy commences to be enjoyed, and shall be paid in a number of equal annual instalments equal to,

(a) the number of years,

- (i) of expectancy of life of the person by whom such interest in expectancy is enjoyed, ascertained as provided in subsection 4 of section 3, or

- (ii) for which such annuity, term of years or income is to run,

as the case may be; or

(b) ten,

whichever is the lesser, on the basis of the value of the property in respect of which such interest in expectancy exists, at the date when such interest commences to be enjoyed, and no deduction shall be made for any duty paid on or with respect to any prior interest, income or annuity arising out of the property in respect of which such interest in expectancy exists, and such instalments shall commence one year after the date when such annuity, term of years, life estate or income commences to be enjoyed.

4.—(1) Subsection 1 of section 17 of *The Succession Duty Act* is amended by striking out "5" in the third line and inserting in lieu thereof "6" and by striking out "of death of the deceased" in the fourth line and inserting in lieu thereof "when such duty became payable", so that the subsection shall read as follows: R.S.O. 1960, c. 386, s. 17, subs. 1, amended

(1) If the duty mentioned in subsection 1 of section 16, or any part thereof, is not paid within the time provided therein, interest at the rate of 6 per cent per annum from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid. Interest on duty in s. 16, subs. 1

(2) Subsection 2 of the said section 17 is amended by striking out "5" in the third line and inserting in lieu thereof "6", so that the subsection shall read as follows: R.S.O. 1960, c. 386, s. 17, subs. 2, amended

(2) If any instalment of duty mentioned in subsection 2 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate of 6 per cent per annum from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid. Interest on duty in s. 16, subs. 2

(3) Subsection 3 of the said section 17 is amended by striking out "5" in the fourth line and inserting in lieu thereof "6" and by striking out "of falling into possession" in the fourth and fifth lines and inserting in lieu thereof "when such duty became payable", so that the subsection shall read as follows: R.S.O. 1960, c. 386, s. 17, subs. 3, amended

(3) If the duty mentioned in subsection 5 of section 16, or any part thereof, is not paid within three months after the interest in expectancy falls into possession, interest at the rate of 6 per cent per annum from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid. Interest on duty in s. 16, subs. 5

R.S.O. 1960,  
c. 386, s. 17,  
subs. 4,  
amended

(4) Subsection 4 of the said section 17 is amended by striking out "5" in the third line and inserting in lieu thereof "6", so that the subsection shall read as follows:

Interest on  
duty in  
s. 16, subs. 7

(4) If any instalment of duty mentioned in subsection 7 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate of 6 per cent per annum from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

Application  
of Act  
R.S.O. 1960,  
c. 386

5. Where the deceased died before this Act came into force, the provisions of *The Succession Duty Act* in force at the date of his death relating to the payment of interest on unpaid duty apply, except that, where an interest in expectancy falls into possession or commences to be enjoyed after this Act came into force and the duty in respect thereof is not paid within the time provided by subsection 1 of section 16 of *The Succession Duty Act*, the provisions of this Act apply.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Succession Duty Amendment Act, 1961-62*.

2010-2011

2011-2012

An Act to amend  
The Succession Duty Act

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*1st Reading*

April 3rd, 1962

*2nd Reading*

April 6th, 1962

*3rd Reading*

April 17th, 1962

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MR. ALAN (Haldimand-Norfolk)

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# **BILL 154**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Public Service Superannuation Act**

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**MR. ALLAN (Haldimand-Norfolk)**

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#### EXPLANATORY NOTES

SECTION 1. The definitions of "civil servant" and "contributor" are brought into line with *The Public Service Act, 1961-62*. See Bill 155.

SECTION 2. The intent is clarified to assist in the administration of the Act. No change in principle.

BILL 154

1961-62

## An Act to amend The Public Service Superannuation Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Public Service Superannuation Act* is amended by striking out "*The Public Service Act*" in the first and second lines and inserting in lieu thereof "*The Public Service Act, 1961-62*", so that the clause shall read as follows:

R.S.O. 1960,  
c. 332, s. 1,  
cl. *c*,  
amended

(c) "civil servant" has the same meaning as in *The Public Service Act, 1961-62*.

1961-62,  
c. ....

(2) Clause *d* of the said section 1 is amended by striking out "*The Public Service Act*" in the third line and inserting in lieu thereof "*The Public Service Act, 1961-62*" and by striking out "for a period of one year" in the sixth line and inserting in lieu thereof "by the Civil Service Commission under *The Public Service Act, 1961-62*", so that the clause shall read as follows:

R.S.O. 1960,  
c. 332, s. 1,  
cl. *d*,  
amended

(d) "contributor" in Part I means a civil servant who is appointed by the Lieutenant Governor in Council under *The Public Service Act, 1961-62* and a person in a class of persons to whom that Part is made applicable, and in Part II means a civil servant who is appointed by the Civil Service Commission under *The Public Service Act, 1961-62*.

1961-62,  
c. ....

2. Section 5 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 332, s. 5,  
re-enacted

5.—(1) There shall be deducted from the salary of every contributor an amount equal to 6 per cent of his salary, and the amount so deducted shall be placed to his credit in the Fund.

Contribu-  
tions,  
current

Cessation  
of contri-  
butions

- (2) Contributions shall cease upon attaining retirement age of sixty-five years.

Exceptions

- (3) Notwithstanding subsection 2, contributions shall continue,

(a) for those who were employed in the public service and were fifty or more years of age on the 1st day of March, 1948, until retirement or until the age of seventy years has been attained, whichever occurs first;

(b) for those who were employed in the public service and were less than fifty years of age on the 1st day of March, 1948, and are re-appointed by the Lieutenant Governor in Council after attaining sixty-five years of age, until retirement or until thirty years of service have been completed or until the age of seventy years has been attained, whichever occurs first; and

(c) in the case of a magistrate appointed before the 1st day of May, 1952, until he retires pursuant to *The Magistrates Act*.

R.S.O. 1960,  
c. 226

R.S.O. 1960,  
c. 332, s. 9,  
subs. 3,  
cl. b,  
amended

3. Clause b of subsection 3 of section 9 of *The Public Service Superannuation Act* is amended by striking out "twenty-five" in the second line and inserting in lieu thereof "twenty", so that the clause shall read as follows:

(b) has contributed to the Fund in respect of a period of twenty or more years.

R.S.O. 1960,  
c. 332, s. 11,  
subs. 1,  
re-enacted

4.—(1) Subsection 1 of section 11 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Computation  
of  
allowances

(1) The amount of every annual superannuation and disability allowance shall be computed by dividing by 50 the amount of the average annual salary of the contributor during the thirty-six consecutive months of his contributory service during which his salary was highest and multiplying the quotient by the total number of full years and any part of a year of contributory service, but not more than thirty-five years of service shall be reckoned.

R.S.O. 1960,  
c. 332, s. 11,  
amended

(2) The said section 11, as amended by section 4 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

SECTIONS 3 and 5. The purpose of these amendments is to clarify the intent by removing an inconsistency between the allowance provisions and the annuity provisions of the Act. The effect will be that a person between 60 and 65 years of age with a service of between 10 and 20 years qualifies for an immediate annuity and if he has 20 or more years service he qualifies for an allowance. The calculation is the same except that the annuity is reduced 1 per cent for each year of service less than 20.

SECTION 4—Subsection 1. The intent is clarified. No change in principle.

Subsection 2. Provision is made for the exceptional case mentioned.

SECTIONS 6 and 7. The intent is clarified. No change in principle.

- (3) Where a contributor who is entitled to an allowance <sup>Special case</sup> has been a contributor to the Fund for less than thirty-six months, his allowance shall be based upon his average annual salary during the period that he was a contributor.

5. Subsection 2 of section 12 of *The Public Service Superannuation Act* is amended by inserting after "years" in the <sup>R.S.O. 1960, c. 332, s. 12, sub. 2, amended</sup> second line "but less than twenty years", so that the subsection shall read as follows:

- (2) Every contributor who has contributed continuously <sup>Immediate annuities</sup> to the Fund in respect of ten or more years but less than twenty years and who ceases to be employed after he is sixty years of age and who is not entitled to an allowance under this Part is entitled to an immediate annuity.

6. Section 13 of *The Public Service Superannuation Act* is <sup>R.S.O. 1960, c. 332, s. 13, re-enacted</sup> repealed and the following substituted therefor:

- 13.—(1) The amount of every deferred annuity shall be <sup>Computation of deferred annuities</sup> computed in the same manner as provided in subsections 1, 3 and 4 of section 11, except that the amount so determined shall then be reduced by 1 per cent for each whole year by which the number of years of contributory service is less than twenty years.

- (2) The amount of every immediate annuity shall be <sup>Computation of immediate annuities</sup> computed in the same manner as provided in subsections 1, 3 and 4 of section 11, except that,

- (a) where the person is fifty years of age or more but less than sixty, in lieu of dividing by 50, the divisor shall be in accordance with the following table:

Age	Divisor
59.....	54
58.....	58
57.....	62
56.....	67
55.....	72
54.....	77
53.....	82
52.....	88
51.....	94
50.....	100

and

- (b) the amount so determined shall then be reduced by 1 per cent for each whole year by which the number of years of contributory service is less than twenty years.

R.S.O. 1960,  
c. 332, s. 16  
(1960-61,  
c. 84, s. 6),  
re-enacted

**7.** Section 16 of *The Public Service Superannuation Act*, as re-enacted by section 6 of *The Public Service Superannuation Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Re-  
employment

- 16.—(1) Where a former contributor who is in receipt of an allowance or annuity is re-employed or engaged in any capacity in the public service, payment thereof shall be suspended during the period of his re-employment or engagement.

Idem

- (2) Any period of re-employment referred to in subsection 1 during which a person contributes under this Part shall be added to the period of his prior employment, and the allowance or the annuity payable upon termination of his re-employment shall be recalculated accordingly.

Idem

- (3) Notwithstanding subsections 1 and 2, where a person in receipt of an allowance or annuity has been appointed under *The Public Service Act* or is appointed under *The Public Service Act, 1961-62* because the Lieutenant Governor in Council desires to have such person's professional, expert or technical knowledge at his disposal, payment of the allowance or annuity shall not be suspended or recalculated.

R.S.O. 1960,  
c. 331;  
1961-62,  
c. ....

R.S.O. 1960,  
c. 332, s. 17,  
subs. 2,  
amended

**8.** Subsection 2 of section 17 of *The Public Service Superannuation Act* is amended by inserting after "allowance" in the third line "or an immediate annuity", so that the subsection shall read as follows:

Idem

- (2) Where a contributor who has contributed to the Fund in respect of a period of three or more years resigns or is dismissed and is not entitled to or granted any allowance or an immediate annuity, or dies leaving no widow and no child or children, an amount equal to the total of his contributions with interest at 3 per cent per annum shall be paid to him in monthly instalments or otherwise as he directs or to his personal representative, as the case may be.

R.S.O. 1960,  
c. 332, s. 20,  
subs. 3,  
amended

**9.** Subsection 3 of section 20 of *The Public Service Superannuation Act* is amended by inserting after "allowance" in the second line "or annuity", so that the subsection shall read as follows:



**SECTION 8.** The effect of this amendment will be to bar a person from a refund of his contributions where he is entitled to an immediate annuity as is the case now where he is entitled to an allowance.

**SECTION 9.** The intent is clarified. No change in principle.

SECTION 10. Under section 40 of Bill 126, *An Act to amend The Municipal Act*, power to appoint jailers and jail employees is transferred from the Lieutenant Governor in Council to the county or city that operates a jail.

This amendment provides that persons appointed before the change-over continue to contribute to the Public Service Superannuation Fund while those appointed after that date will be treated for pension purposes as employees of the county or city, as the case may be.

SECTION 11. The section amended authorizes reciprocal arrangements with other governments, etc., as to the pension rights of employees who transfer from one to another.

This amendment will enable these agreements to contain a provision that will ensure persons who transfer to the Ontario Civil Service an allowance under section 10 or 20 of the Act in line with his service in another jurisdiction and his service in Ontario.

SECTION 12. These amendments remove an inconsistency and bring section 33 of the Act into line with section 17.

- (3) Subsection 1 does not apply to the widow of a contributor or of a person to whom an allowance or annuity was being paid, if she married him after he attained the age of sixty years or after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions with interest at 3 per cent per annum, less the total amount of the allowance paid to him, if any, shall be paid to his widow or child or children, as the case may be. Late marriages

**10.** Section 25 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 332, s. 25,  
amended

- (3) This Part continues to apply to every jailer and jail employee to whom it applied before this subsection came into force, but it does not apply to any jailer or jail employee appointed after this subsection came into force. Application of Part I to jailers and jail employees

**11.** Section 28 of *The Public Service Superannuation Act*, as amended by section 13 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 332, s. 28,  
amended

- (4) An agreement entered into under subsection 3 may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance under section 10 or 20, service rendered to the other party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance shall then be computed upon the service for which contributions have been made to the Fund without regard to subsection 2 of section 11. Idem

**12.—**(1) Subsection 1 of section 33 of *The Public Service Superannuation Act* is amended by striking out "three years or less" in the second line and inserting in lieu thereof "less than three years", so that the subsection shall read as follows: R.S.O. 1960,  
c. 332, s. 33,  
subs. 1,  
amended

- (1) Where a contributor who has contributed to the Fund in respect of less than three years ceases to be a contributor or dies, the amount to his credit in the Fund shall be paid to him or to his personal representative, as the case may be. Refunds

(2) Subsection 2 of the said section 33 is amended by striking out "more than three years" in the second line and inserting in lieu thereof "three or more years", so that the subsection shall read as follows: R.S.O. 1960,  
c. 332, s. 33,  
subs. 2,  
amended

Idem

(2) Where a contributor who has contributed to the Fund in respect of three or more years ceases to be a contributor or dies, the amount to his credit in the Fund with interest at 3 per cent per annum shall be paid to him or to his personal representative, as the case may be.

Commence-  
ment

**13.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of August, 1962.

Short title

**14.** This Act may be cited as *The Public Service Superannuation Amendment Act, 1961-62*.





19. 1900

1901. 1902. 1903.

An Act to amend  
The Public Service Superannuation Act

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*1st Reading*

April 3rd, 1962

*2nd Reading*

*3rd Reading*

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MR. ALLAN (Haldimand-Norfolk)

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# **BILL 154**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Public Service Superannuation Act**

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**MR. ALLAN (Haldimand-Norfolk)**

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## BILL 154

1961-62

**An Act to amend  
The Public Service Superannuation Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Public Service Superannuation Act* is amended by striking out "*The Public Service Act*" in the first and second lines and inserting in lieu thereof "*The Public Service Act, 1961-62*", so that the clause shall read as follows:

R.S.O. 1960,  
c. 332, s. 1,  
cl. *c*,  
amended

(c) "civil servant" has the same meaning as in *The Public Service Act, 1961-62*.

1961-62,  
c. ....

(2) Clause *d* of the said section 1 is amended by striking out "*The Public Service Act*" in the third line and inserting in lieu thereof "*The Public Service Act, 1961-62*" and by striking out "for a period of one year" in the sixth line and inserting in lieu thereof "by the Civil Service Commission under *The Public Service Act, 1961-62*", so that the clause shall read as follows:

R.S.O. 1960,  
c. 332, s. 1,  
cl. *d*,  
amended

(d) "contributor" in Part I means a civil servant who is appointed by the Lieutenant Governor in Council under *The Public Service Act, 1961-62* and a person in a class of persons to whom that Part is made applicable, and in Part II means a civil servant who is appointed by the Civil Service Commission under *The Public Service Act, 1961-62*.

1961-62,  
c. ....

2. Section 5 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 332, s. 5,  
re-enacted

5.—(1) There shall be deducted from the salary of every contributor an amount equal to 6 per cent of his salary, and the amount so deducted shall be placed to his credit in the Fund.

Contribu-  
tions,  
current

Cessation  
of contri-  
butions

- (2) Contributions shall cease upon attaining retirement age of sixty-five years.

Exceptions

- (3) Notwithstanding subsection 2, contributions shall continue,

(a) for those who were employed in the public service and were fifty or more years of age on the 1st day of March, 1948, until retirement or until the age of seventy years has been attained, whichever occurs first;

(b) for those who were employed in the public service and were less than fifty years of age on the 1st day of March, 1948, and are re-appointed by the Lieutenant Governor in Council after attaining sixty-five years of age, until retirement or until thirty years of service have been completed or until the age of seventy years has been attained, whichever occurs first; and

(c) in the case of a magistrate appointed before the 1st day of May, 1952, until he retires pursuant to *The Magistrates Act*.

R.S.O. 1960,  
c. 226

R.S.O. 1960,  
c. 332, s. 9,  
subs. 3,  
cl. b,  
amended

3. Clause *b* of subsection 3 of section 9 of *The Public Service Superannuation Act* is amended by striking out "twenty-five" in the second line and inserting in lieu thereof "twenty", so that the clause shall read as follows:

(b) has contributed to the Fund in respect of a period of twenty or more years.

R.S.O. 1960,  
c. 332, s. 11,  
subs. 1,  
re-enacted

4.—(1) Subsection 1 of section 11 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Computation  
of  
allowances

(1) The amount of every annual superannuation and disability allowance shall be computed by dividing by 50 the amount of the average annual salary of the contributor during the thirty-six consecutive months of his contributory service during which his salary was highest and multiplying the quotient by the total number of full years and any part of a year of contributory service, but not more than thirty-five years of service shall be reckoned.

R.S.O. 1960,  
c. 332, s. 11,  
amended

(2) The said section 11, as amended by section 4 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

- (3) Where a contributor who is entitled to an allowance <sup>Special case</sup> has been a contributor to the Fund for less than thirty-six months, his allowance shall be based upon his average annual salary during the period that he was a contributor.

5. Subsection 2 of section 12 of *The Public Service Superannuation Act* is amended by inserting after "years" in the second line "but less than twenty years", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 332, s. 12, subs. 2, amended</sup>

- (2) Every contributor who has contributed continuously <sup>Immediate annuities</sup> to the Fund in respect of ten or more years but less than twenty years and who ceases to be employed after he is sixty years of age and who is not entitled to an allowance under this Part is entitled to an immediate annuity.

6. Section 13 of *The Public Service Superannuation Act* is <sup>R.S.O. 1960, c. 332, s. 13, re-enacted</sup> repealed and the following substituted therefor:

- 13.—(1) The amount of every deferred annuity shall be <sup>Computation of deferred annuities</sup> computed in the same manner as provided in subsections 1, 3 and 4 of section 11, except that the amount so determined shall then be reduced by 1 per cent for each whole year by which the number of years of contributory service is less than twenty years.

- (2) The amount of every immediate annuity shall be <sup>Computation of immediate annuities</sup> computed in the same manner as provided in subsections 1, 3 and 4 of section 11, except that,

- (a) where the person is fifty years of age or more but less than sixty, in lieu of dividing by 50, the divisor shall be in accordance with the following table:

Age	Divisor
59.....	54
58.....	58
57.....	62
56.....	67
55.....	72
54.....	77
53.....	82
52.....	88
51.....	94
50.....	100

and

- (b) the amount so determined shall then be reduced by 1 per cent for each whole year by which the number of years of contributory service is less than twenty years.

R.S.O. 1960,  
c. 332, s. 16  
(1960-61,  
c. 84, s. 6),  
re-enacted

**7.** Section 16 of *The Public Service Superannuation Act*, as re-enacted by section 6 of *The Public Service Superannuation Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Re-  
employment

- 16.—(1) Where a former contributor who is in receipt of an allowance or annuity is re-employed or engaged in any capacity in the public service, payment thereof shall be suspended during the period of his re-employment or engagement.

Idem

- (2) Any period of re-employment referred to in subsection 1 during which a person contributes under this Part shall be added to the period of his prior employment, and the allowance or the annuity payable upon termination of his re-employment shall be recalculated accordingly.

Idem

- (3) Notwithstanding subsections 1 and 2, where a person in receipt of an allowance or annuity has been appointed under *The Public Service Act* or is appointed under *The Public Service Act, 1961-62* because the Lieutenant Governor in Council desires to have such person's professional, expert or technical knowledge at his disposal, payment of the allowance or annuity shall not be suspended or recalculated.

R.S.O. 1960,  
c. 331;  
1961-62,  
c. . . .

R.S.O. 1960,  
c. 332, s. 17,  
subs. 2,  
amended

**8.** Subsection 2 of section 17 of *The Public Service Superannuation Act* is amended by inserting after "allowance" in the third line "or an immediate annuity", so that the subsection shall read as follows:

Idem

- (2) Where a contributor who has contributed to the Fund in respect of a period of three or more years resigns or is dismissed and is not entitled to or granted any allowance or an immediate annuity, or dies leaving no widow and no child or children, an amount equal to the total of his contributions with interest at 3 per cent per annum shall be paid to him in monthly instalments or otherwise as he directs or to his personal representative, as the case may be.

R.S.O. 1960,  
c. 332, s. 20,  
subs. 3,  
amended

**9.** Subsection 3 of section 20 of *The Public Service Superannuation Act* is amended by inserting after "allowance" in the second line "or annuity", so that the subsection shall read as follows:

- (3) Subsection 1 does not apply to the widow of a contributor or of a person to whom an allowance or annuity was being paid, if she married him after he attained the age of sixty years or after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions with interest at 3 per cent per annum, less the total amount of the allowance paid to him, if any, shall be paid to his widow or child or children, as the case may be. <sup>Late marriages</sup>

**10.** Section 25 of *The Public Service Superannuation Act* <sup>R.S.O. 1960, c. 332, s. 25, amended</sup> is amended by adding thereto the following subsection:

- (3) This Part continues to apply to every jailer and jail employee to whom it applied before this subsection came into force, but it does not apply to any jailer or jail employee appointed after this subsection came into force. <sup>Application of Part I to jailers and jail employees</sup>

**11.** Section 28 of *The Public Service Superannuation Act*, <sup>R.S.O. 1960, c. 332, s. 28, amended</sup> as amended by section 13 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

- (4) An agreement entered into under subsection 3 may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance under section 10 or 20, service rendered to the other party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance shall then be computed upon the service for which contributions have been made to the Fund without regard to subsection 2 of section 11. <sup>Idem</sup>

**12.—(1)** Subsection 1 of section 33 of *The Public Service Superannuation Act* is amended by striking out "three years or less" in the second line and inserting in lieu thereof "less than three years", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 332, s. 33, subs. 1, amended</sup>

- (1) Where a contributor who has contributed to the Fund in respect of less than three years ceases to be a contributor or dies, the amount to his credit in the Fund shall be paid to him or to his personal representative, as the case may be. <sup>Refunds</sup>

(2) Subsection 2 of the said section 33 is amended by striking out "more than three years" in the second line and inserting in lieu thereof "three or more years", so that the subsection shall read as follows: <sup>R.S.O. 1960, c. 332, s. 33, subs. 2, amended</sup>

Idem (2) Where a contributor who has contributed to the Fund in respect of three or more years ceases to be a contributor or dies, the amount to his credit in the Fund with interest at 3 per cent per annum shall be paid to him or to his personal representative, as the case may be.

Commence-  
ment **13.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem (2) Section 1 comes into force on the 1st day of August, 1962.

Short title **14.** This Act may be cited as *The Public Service Superannuation Amendment Act, 1961-62*.







July 1914  
1914

An Act to amend  
The Public Service Superannuation Act

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*1st Reading*

April 3rd, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 17th, 1962

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MR. ALLAN (Haldimand-Norfolk)

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# **BILL 155**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **The Public Service Act, 1961-62**

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**MR. ALLAN (Haldimand-Norfolk)**

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#### EXPLANATORY NOTE

This Bill provides for the organization and administration of the public service in accordance with present-day standards and practices.

Sections 12 and 13 establish rules as to termination of employment, etc.

Sections 14, 15 and 16 clarify the powers and duties of deputy ministers.

BILL 155

1961-62

## The Public Service Act, 1961-62

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "civil servant" means a person appointed to the service of the Crown by the Lieutenant Governor in Council on the certificate of the Commission or by the Commission, and "civil service" has a corresponding meaning;
- (b) "classified service" means the part of the public service to which civil servants are appointed;
- (c) "Commission" means the Civil Service Commission;
- (d) "Crown" means the Crown in right of Ontario;
- (e) "Minister" means the member of the Executive Council who is designated by the Lieutenant Governor in Council as the minister to whom the Commission is responsible for the administration of this Act;
- (f) "public servant" means a person appointed under this Act to the service of the Crown by the Lieutenant Governor in Council, by the Commission or by a minister, and "public service" has a corresponding meaning;
- (g) "regulations" means the regulations made under this Act;
- (h) "unclassified service" means the part of the public service that is composed of positions to which persons are appointed by a minister under this Act. R.S.O. 1960, c. 331, s. 1, *amended*.

Commission,  
composition

**2.**—(1) The Commission shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, one of whom may be appointed chairman. R.S.O. 1960, c. 331, s. 2 (1).

status

(2) The full-time members of the Commission shall be deemed to be civil servants. *New.*

Administra-  
tion of Act

**3.** The Commission is a department and is responsible to the Minister for the administration of this Act. R.S.O. 1960, c. 331, s. 2 (2).

Duties of  
Commission

**4.** The Commission shall,

- (a) evaluate and classify each position in the classified service and determine the qualifications therefor;
- (b) recommend to the Lieutenant Governor in Council the salary range for each classification;
- (c) recruit qualified persons for the civil service and establish lists of eligibles;
- (d) assign persons to positions in the classified service and specify the salaries payable;
- (e) determine perquisite charges for civil servants;
- (f) provide, assist in or co-ordinate staff development programmes;
- (g) present annually through the Minister to the Lieutenant Governor in Council a report upon the performance of its duties during the preceding year, which report shall be laid before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 331, s. 2 (3), *amended*.

Filling of  
vacancies  
in classified  
service

**5.**—(1) When a vacancy exists in the classified service, the deputy minister of the department in which the vacancy exists shall nominate in writing from the list of eligibles of the Commission a person to fill the vacancy.

Appoint-  
ments to  
probationary  
staff

(2) The Commission shall appoint the person nominated under subsection 1 to a position on the probationary staff of the classified service for not more than one year at a time. *New.*

Appoint-  
ments to  
regular  
staff

**6.** The Commission shall, if requested in writing by the deputy minister, recommend to the Lieutenant Governor in Council the appointment of a person on the probationary



staff of the classified service to the regular staff of the classified service, and the recommendation shall be accompanied by the certificate of qualification and assignment of the Commission. *New.*

7.—(1) A minister or any public servant who is designated in writing for the purpose by him may appoint for a period of not more than one year at a time a person to a position in the unclassified service in any department over which he presides. *R.S.O. 1960, c. 331, s. 3 (2), amended.*

Appointment by minister to unclassified service

(2) Any appointment made by a designee under subsection 1 shall be deemed to have been made by his minister. *New.*

Idem

8. A person who is appointed to a position in the public service for a specified period ceases to be a public servant at the expiration of that period. *New.*

Termination of appointment

9.—(1) Every civil servant shall before any salary is paid to him take and subscribe before the Clerk of the Executive Council, his deputy minister, or a person designated in writing by any of them, an oath of office and secrecy in the following form:

Oath of office and secrecy

I, ....., do swear that I will faithfully discharge my duties as a civil servant and will observe and comply with the laws of Canada and Ontario, and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a civil servant.

So help me God.

(2) Every civil servant shall before performing any duty as a member of the regular staff take and subscribe before the Clerk of the Executive Council, his deputy minister, or a person designated in writing by any of them, an oath of allegiance in the following form:

Oath of allegiance

I, ....., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being), her heirs and successors according to law.

So help me God.

(3) A minister may require any person or class of persons appointed to the unclassified service in any department over which he presides to take and subscribe either or both of the oaths set out in subsections 1 and 2.

Unclassified service

(4) A copy of each oath administered to a civil servant shall be kept by his deputy minister in the departmental file of the civil servant. *R.S.O. 1960, c. 331, s. 4, amended.*

Record of oaths

10.—(1) Every civil servant shall retire upon attaining the age of sixty-five years, but, where in the opinion of the Commission special circumstances exist and where his deputy

Age of retirement

minister so requests in writing, he may be re-appointed by the Lieutenant Governor in Council for a period not exceeding one year at a time until he attains the age of seventy years. 1960-61, c. 83, s. 2, *part, amended*.

**Exception**

(2) Notwithstanding subsection 1, every person in the public service on the 1st day of March, 1948, who was more than fifty years of age on that day and who has been in the public service continuously since that day shall retire upon attaining the age of seventy years. 1960-61, c. 83, s. 2, *part*.

**Appointment of superannuates and annuitants**  
R.S.O. 1960, c. 332

**11.** The Lieutenant Governor in Council may appoint for a period not exceeding six months at a time in a special capacity any person who is receiving a superannuation allowance or an annuity under *The Public Service Superannuation Act* and who has professional, expert or technical knowledge that the Lieutenant Governor in Council desires to have at his disposal. 1960-61, c. 83, s. 2, *part*.

**Resignation**

**12.** A person may resign from the public service by giving his deputy minister two weeks notice in writing of his intention to resign, but he may, by an appropriate notice in writing and with the approval of his deputy minister, withdraw the notice at any time before its effective date if no person has been appointed or selected for appointment to the position that will become vacant by reason of his resignation. *New*.

**Abandonment**

**13.** A public servant who is absent from duty without official leave for a period of two weeks or such longer period as is prescribed by the regulations may by an instrument in writing be declared by his deputy minister to have abandoned his position, and thereupon his position becomes vacant and he ceases to be a public servant. *New*.

**Deputy minister's functions**

**14.—(1)** Subject to the direction of his minister, a deputy minister is responsible for the operation of his department and shall perform such other functions as are assigned to him by his minister or by the Lieutenant Governor in Council.

**Absence, etc.**

(2) Where a deputy minister is absent or where there is a vacancy in the office, his powers and duties shall be exercised and performed by such public servant as is designated by his minister. *New*.

**Suspension during investigation**

**15.—(1)** A deputy minister may, pending an investigation, suspend from employment any public servant in his department for a period not exceeding two weeks, and during any such period of suspension may withhold the salary of the public servant.

(2) A deputy minister may for cause remove from employment without salary any public servant in his department for a period not exceeding one month or such lesser period as the regulations prescribe. R.S.O. 1960, c. 331, s. 8 (4), *amended*. Removal from employment

(3) A deputy minister may for cause dismiss from employment in accordance with the regulations any public servant in his department. Power to dismiss

(4) A deputy minister may release from employment in accordance with the regulations any public servant where he deems it necessary by reason of shortage of work or funds or the abolition of a position or other material change in organization. Release from employment

(5) A deputy minister may release from employment any public servant during the first year of his employment for failure to meet the requirements of his position. *New*. Idem

**16.** With the consent in writing of his minister, a deputy minister may delegate in writing any of his powers or duties to any public servant or any class thereof in his department. R.S.O. 1960, c. 331, s. 8 (1-3), *amended*. Delegation of powers and duties, deputy ministers

**17.** The Commission may authorize a deputy minister to exercise and perform any of the powers or functions of the Commission in relation to the recruitment of qualified persons for the civil service. *New*. Delegation of powers and functions, Commission

**18.—(1)** Deputy ministers and public servants shall give the Commission such access to their respective departments and offices and such facilities, assistance and information as the Commission may require for the performance of its duties. Access to records, etc.

(2) In connection with, and for the purposes of, any investigation, the Commission or any member thereof holding an investigation has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. *New*. Investigations  
R.S.O. 1960, c. 323

**19.** Where a creditor of a public servant files with the Treasurer of Ontario, Debts of public servants

(a) a notice that a debt or money demand of not less than \$25, not being a claim for damages, is due and owing to him from the public servant, either on a judgment or otherwise; and

(b) such proof as the Treasurer requires that the debt or money demand is owing,

the Treasurer may deduct from the salary of the public servant, or from any money owing to him from the Crown, such amount as the Treasurer sees fit in the circumstances and pay the amount to the creditor in discharge or partial discharge of the debt or money demand. R.S.O. 1960, c. 331, s. 9, *amended*.

**Regulations**     **20.**—(1) The Commission, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing methods of evaluating and classifying positions;
- (b) prescribing classifications for positions, including qualifications, duties and salaries;
- (c) prescribing the standards and procedures to be followed in recruitment, selection and nomination;
- (d) prescribing the procedures to be followed in making assignments;
- (e) providing for a probationary period on appointment or assignment;
- (f) determining employee benefits;
- (g) prescribing the hours of work;
- (h) defining overtime work and providing for compensation therefor;
- (i) providing for and prescribing payments on death;
- (j) regulating the conduct of public servants, including the imposition of fines, removal from employment, demotion or otherwise;
- (k) providing for a system of credits for regular attendance and payments in respect of such credits;
- (l) providing for the granting of leave of absence;
- (m) prescribing a period longer than two weeks for the purposes of section 13;
- (n) prescribing the conditions and procedures for release from employment, lay-off and subsequent re-appointment;

- (o) prescribing the conditions and procedures for dismissal;
- (p) providing for a joint advisory council, departmental or branch councils, grievance boards, medical boards, and committees of any kind, and prescribing their jurisdictions, powers and duties, including any of the powers that may be conferred upon a commissioner under *The Public Inquiries Act*;
- (q) prescribing arrangements and procedures for providing, assisting in or co-ordinating staff development programmes;
- (r) providing for and establishing procedures for negotiations between the Commission and the Civil Service Association of Ontario or any other organization that the Lieutenant Governor in Council may designate respecting the conditions of employment of civil servants;
- (s) prescribing and providing for the use of forms under this Act or the regulations;
- (t) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 331, s. 10, *amended*.

R.S.O. 1960,  
c. 323

(2) Any regulations made under subsection 1 may be made Application applicable to all or any part of the classified service or the unclassified service. *New*.

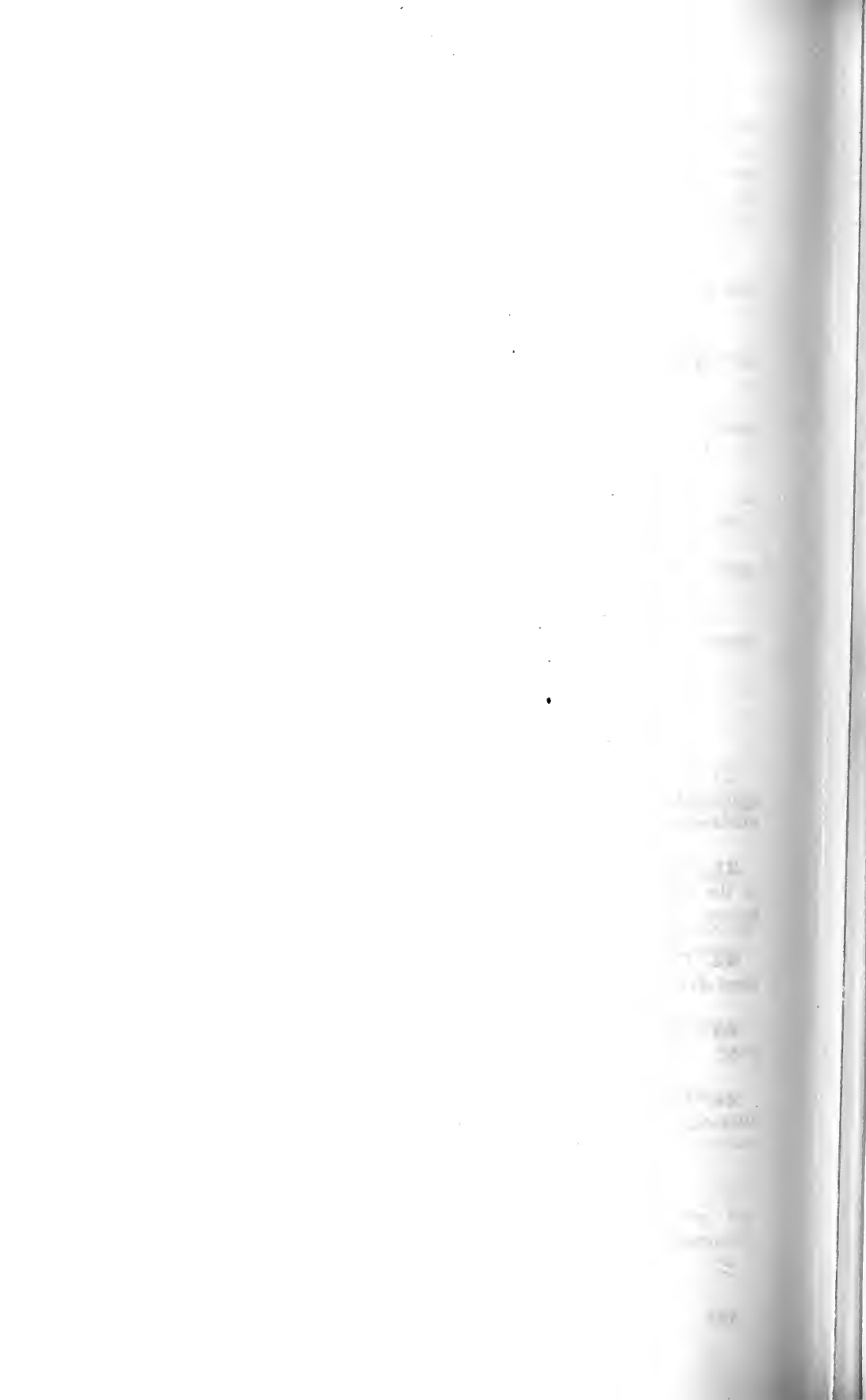
**21.** The cost of administration of this Act is payable out of the moneys that are appropriated therefor by the Legislature. R.S.O. 1960, c. 331, s. 11. Cost of administration

**22.** *The Public Service Act* and *The Public Service Amendment Act, 1960-61* are repealed.

R.S.O. 1960,  
c. 331;  
1960-61,  
c. 83,  
repealed

**23.** This Act comes into force on the 1st day of August, 1962. Commencement

**24.** This Act may be cited as *The Public Service Act*, 1961-62. Short title





## The Public Service Act, 1961-62

*1st Reading*

April 3rd, 1962

*2nd Reading**3rd Reading*

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Mr. ALLAN (Haldimand-Norfolk)



**BILL 155**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**The Public Service Act, 1961-62**

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**MR. ALLAN (Haldimand-Norfolk)**

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BILL 155

1961-62

### The Public Service Act, 1961-62

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "civil servant" means a person appointed to the service of the Crown by the Lieutenant Governor in Council on the certificate of the Commission or by the Commission, and "civil service" has a corresponding meaning;
- (b) "classified service" means the part of the public service to which civil servants are appointed;
- (c) "Commission" means the Civil Service Commission;
- (d) "Crown" means the Crown in right of Ontario;
- (e) "Minister" means the member of the Executive Council who is designated by the Lieutenant Governor in Council as the minister to whom the Commission is responsible for the administration of this Act;
- (f) "public servant" means a person appointed under this Act to the service of the Crown by the Lieutenant Governor in Council, by the Commission or by a minister, and "public service" has a corresponding meaning;
- (g) "regulations" means the regulations made under this Act;
- (h) "unclassified service" means the part of the public service that is composed of positions to which persons are appointed by a minister under this Act. R.S.O. 1960, c. 331, s. 1, *amended*.

Commission,  
composition

**2.**—(1) The Commission shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, one of whom may be appointed chairman. R.S.O. 1960, c. 331, s. 2 (1).

status

(2) The full-time members of the Commission shall be deemed to be civil servants. *New.*

Administra-  
tion of Act

**3.** The Commission is a department and is responsible to the Minister for the administration of this Act. R.S.O. 1960, c. 331, s. 2 (2).

Duties of  
Commission

**4.** The Commission shall,

- (a) evaluate and classify each position in the classified service and determine the qualifications therefor;
- (b) recommend to the Lieutenant Governor in Council the salary range for each classification;
- (c) recruit qualified persons for the civil service and establish lists of eligibles;
- (d) assign persons to positions in the classified service and specify the salaries payable;
- (e) determine perquisite charges for civil servants;
- (f) provide, assist in or co-ordinate staff development programmes;
- (g) present annually through the Minister to the Lieutenant Governor in Council a report upon the performance of its duties during the preceding year, which report shall be laid before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 331, s. 2 (3), *amended.*

Filling of  
vacancies  
in classified  
service

**5.**—(1) When a vacancy exists in the classified service, the deputy minister of the department in which the vacancy exists shall nominate in writing from the list of eligibles of the Commission a person to fill the vacancy.

Appoint-  
ments to  
probationary  
staff

(2) The Commission shall appoint the person nominated under subsection 1 to a position on the probationary staff of the classified service for not more than one year at a time. *New.*

Appoint-  
ments to  
regular  
staff

**6.** The Commission shall, if requested in writing by the deputy minister, recommend to the Lieutenant Governor in Council the appointment of a person on the probationary

staff of the classified service to the regular staff of the classified service, and the recommendation shall be accompanied by the certificate of qualification and assignment of the Commission. *New.*

7.—(1) A minister or any public servant who is designated in writing for the purpose by him may appoint for a period of not more than one year at a time a person to a position in the unclassified service in any department over which he presides. *R.S.O. 1960, c. 331, s. 3 (2), amended.*

(2) Any appointment made by a designee under subsection 1 shall be deemed to have been made by his minister. *New.*

8. A person who is appointed to a position in the public service for a specified period ceases to be a public servant at the expiration of that period. *New.*

9.—(1) Every civil servant shall before any salary is paid to him take and subscribe before the Clerk of the Executive Council, his deputy minister, or a person designated in writing by any of them, an oath of office and secrecy in the following form:

I, ....., do swear that I will faithfully discharge my duties as a civil servant and will observe and comply with the laws of Canada and Ontario, and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a civil servant.  
So help me God.

(2) Every civil servant shall before performing any duty as a member of the regular staff take and subscribe before the Clerk of the Executive Council, his deputy minister, or a person designated in writing by any of them, an oath of allegiance in the following form:

I, ....., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being), her heirs and successors according to law.  
So help me God.

(3) A minister may require any person or class of persons appointed to the unclassified service in any department over which he presides to take and subscribe either or both of the oaths set out in subsections 1 and 2.

(4) A copy of each oath administered to a civil servant shall be kept by his deputy minister in the departmental file of the civil servant. *R.S.O. 1960, c. 331, s. 4, amended.*

10.—(1) Every civil servant shall retire upon attaining the age of sixty-five years, but, where in the opinion of the Commission special circumstances exist and where his deputy

minister so requests in writing, he may be re-appointed by the Lieutenant Governor in Council for a period not exceeding one year at a time until he attains the age of seventy years. 1960-61, c. 83, s. 2, *part, amended*.

**Exception**

(2) Notwithstanding subsection 1, every person in the public service on the 1st day of March, 1948, who was more than fifty years of age on that day and who has been in the public service continuously since that day shall retire upon attaining the age of seventy years. 1960-61, c. 83, s. 2, *part*.

**Appointment of superannuates and annuitants**  
R.S.O. 1960,  
c. 332

**11.** The Lieutenant Governor in Council may appoint for a period not exceeding six months at a time in a special capacity any person who is receiving a superannuation allowance or an annuity under *The Public Service Superannuation Act* and who has professional, expert or technical knowledge that the Lieutenant Governor in Council desires to have at his disposal. 1960-61, c. 83, s. 2, *part*.

**Resignation**

**12.** A person may resign from the public service by giving his deputy minister two weeks notice in writing of his intention to resign, but he may, by an appropriate notice in writing and with the approval of his deputy minister, withdraw the notice at any time before its effective date if no person has been appointed or selected for appointment to the position that will become vacant by reason of his resignation. *New*.

**Abandonment**

**13.** A public servant who is absent from duty without official leave for a period of two weeks or such longer period as is prescribed by the regulations may by an instrument in writing be declared by his deputy minister to have abandoned his position, and thereupon his position becomes vacant and he ceases to be a public servant. *New*.

**Deputy minister's functions**

**14.—(1)** Subject to the direction of his minister, a deputy minister is responsible for the operation of his department and shall perform such other functions as are assigned to him by his minister or by the Lieutenant Governor in Council.

**Absence, etc.**

(2) Where a deputy minister is absent or where there is a vacancy in the office, his powers and duties shall be exercised and performed by such public servant as is designated by his minister. *New*.

**Suspension during investigation**

**15.—(1)** A deputy minister may, pending an investigation, suspend from employment any public servant in his department for a period not exceeding two weeks, and during any such period of suspension may withhold the salary of the public servant.

(2) A deputy minister may for cause remove from employment without salary any public servant in his department for a period not exceeding one month or such lesser period as the regulations prescribe. R.S.O. 1960, c. 331, s. 8 (4), *amended*. Removal from employment

(3) A deputy minister may for cause dismiss from employment in accordance with the regulations any public servant in his department. Power to dismiss

(4) A deputy minister may release from employment in accordance with the regulations any public servant where he deems it necessary by reason of shortage of work or funds or the abolition of a position or other material change in organization. Release from employment

(5) A deputy minister may release from employment any public servant during the first year of his employment for failure to meet the requirements of his position. *New*. Idem

**16.** With the consent in writing of his minister, a deputy minister may delegate in writing any of his powers or duties to any public servant or any class thereof in his department. R.S.O. 1960, c. 331, s. 8 (1-3), *amended*. Delegation of powers and duties, deputy ministers

**17.** The Commission may authorize a deputy minister to exercise and perform any of the powers or functions of the Commission in relation to the recruitment of qualified persons for the civil service. *New*. Delegation of powers and functions, Commission

**18.—(1)** Deputy ministers and public servants shall give the Commission such access to their respective departments and offices and such facilities, assistance and information as the Commission may require for the performance of its duties. Access to records, etc.

(2) In connection with, and for the purposes of, any investigation, the Commission or any member thereof holding an investigation has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. *New*. Investigations  
R.S.O. 1960, c. 323

**19.** Where a creditor of a public servant files with the Treasurer of Ontario, Debts of public servants

(a) a notice that a debt or money demand of not less than \$25, not being a claim for damages, is due and owing to him from the public servant, either on a judgment or otherwise; and

(b) such proof as the Treasurer requires that the debt or money demand is owing,

the Treasurer may deduct from the salary of the public servant, or from any money owing to him from the Crown, such amount as the Treasurer sees fit in the circumstances and pay the amount to the creditor in discharge or partial discharge of the debt or money demand. R.S.O. 1960, c. 331, s. 9, *amended*.

**Regulations 20.**—(1) The Commission, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing methods of evaluating and classifying positions;
- (b) prescribing classifications for positions, including qualifications, duties and salaries;
- (c) prescribing the standards and procedures to be followed in recruitment, selection and nomination;
- (d) prescribing the procedures to be followed in making assignments;
- (e) providing for a probationary period on appointment or assignment;
- (f) determining employee benefits;
- (g) prescribing the hours of work;
- (h) defining overtime work and providing for compensation therefor;
- (i) providing for and prescribing payments on death;
- (j) regulating the conduct of public servants, including the imposition of fines, removal from employment, demotion or otherwise;
- (k) providing for a system of credits for regular attendance and payments in respect of such credits;
- (l) providing for the granting of leave of absence;
- (m) prescribing a period longer than two weeks for the purposes of section 13;
- (n) prescribing the conditions and procedures for release from employment, lay-off and subsequent re-appointment;



- (o) prescribing the conditions and procedures for dismissal;
- (p) providing for a joint advisory council, departmental or branch councils, grievance boards, medical boards, and committees of any kind, and prescribing their jurisdictions, powers and duties, including any of the powers that may be conferred upon a commissioner under *The Public Inquiries Act*;
- (q) prescribing arrangements and procedures for providing, assisting in or co-ordinating staff development programmes;
- (r) providing for and establishing procedures for negotiations between the Commission and the Civil Service Association of Ontario or any other organization that the Lieutenant Governor in Council may designate respecting the conditions of employment of civil servants;
- (s) prescribing and providing for the use of forms under this Act or the regulations;
- (t) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 331, s. 10, *amended*.

R.S.O. 1960,  
c. 323

(2) Any regulations made under subsection 1 may be made applicable to all or any part of the classified service or the unclassified service. *New*.

**21.** The cost of administration of this Act is payable out of the moneys that are appropriated therefor by the Legislature. R.S.O. 1960, c. 331, s. 11.

**22.** *The Public Service Act* and *The Public Service Amendment Act, 1960-61* are repealed.

R.S.O. 1960,  
c. 331;  
1960-61,  
c. 83,  
repealed

**23.** This Act comes into force on the 1st day of August, 1962.

Commence-  
ment

**24.** This Act may be cited as *The Public Service Act*, Short title 1961-62.

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The Public Service Act, 1961-62

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*1st Reading*

April 3rd, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 17th, 1962

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Mr. ALLAN (Haldimand-Norfolk)

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# **BILL 156**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Child Welfare Act**

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**MR. CECILE**

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#### EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides for the termination of a *sine die* order and for the making of a further order or the taking of such other action as is deemed necessary in the interest of the child.

Subsection 2. The amendment provides for the termination of permanent wardship with the children's aid society where the child becomes a patient in a hospital under *The Children's Mental Hospitals Act* or an institution under *The Mental Hospitals Act*.

## BILL 156

1961-62

## An Act to amend The Child Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 14 of section 17 of *The Child Welfare Act* is amended by adding at the end thereof "and the judge may terminate the order and make a further order under subsection 9 or take such other action under this section as he deems necessary in the interest of the welfare of the child", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 53, s. 17,  
subs. 14,  
amended

(14) Where the judge has made an order under clause *a* of subsection 9, the society may at any time bring the case again before a judge for further consideration and action under this section, and the judge may terminate the order and make a further order under subsection 9 or take such other action under this section as he deems necessary in the interest of the welfare of the child.

Re-opening  
of case  
adjourned  
*sine die*

(2) Subsection 16 of the said section 17 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 53, s. 17,  
subs. 16,  
re-enacted

(16) Subject to subsection 16*a*, where a judge has made an order under clause *c* of subsection 9, the society may, upon at least thirty days notice in writing to the Director, bring the case before a judge, and, if the judge is satisfied that the termination of the permanent commitment is in the best interest of the welfare of the child, he shall terminate the commitment.

Re-opening  
of  
permanent  
commitment

(16*a*) Where a judge has made an order under clause *c* of subsection 9 and the child is or becomes a patient in a hospital under *The Children's Mental Hospitals Act* or an institution, other than an examination unit, under *The Mental Hospitals Act*, the society shall bring the case before a judge, and, if the judge

Idem  
R.S.O. 1960,  
cc. 56, 236

is satisfied that the termination of the permanent commitment is in the best interest of the welfare of the child, he shall terminate the commitment.

R.S.O. 1960,  
c. 53, s. 17,  
subs. 21,  
repealed

(3) Subsection 21 of the said section 17 is repealed.

R.S.O. 1960,  
c. 53,  
amended

**2.** *The Child Welfare Act* is amended by adding thereto the following section:

Presence of  
child at  
hearing

17a. The judge may order that the presence of a child at a hearing under this Part be dispensed with, where he deems it to be in the best interest of the child.

R.S.O. 1960,  
c. 53, s. 29,  
subs. 1,  
re-enacted

**3.** Subsection 1 of section 29 of *The Child Welfare Act* is repealed and the following substituted therefor:

Appeal

(1) Any person, including a society or municipality, may with leave of a judge of the Supreme Court, within thirty days of the making of an order under this Part or, if so directed by the judge of the Supreme Court, within sixty days of the making of the order, appeal from the order to the Court of Appeal.

R.S.O. 1960,  
c. 53,  
amended

**4.** *The Child Welfare Act* is amended by adding thereto the following section:

Effect of  
order of  
court in  
other  
jurisdiction

40a.—(1) Where, by an order or orders made by a court of competent jurisdiction in any other province or territory of Canada or in any other state or country that is specified in the regulations, full and lawful parental rights and responsibilities in respect of a child have been legally vested in any person, organization, province, state, country or legal representative thereof, the order or orders so made shall for all purposes in Ontario have the same force and effect as if made under this Act.

Idem

(2) Where, as a requirement of the making of an order or orders of a court referred to in subsection 1, any statement, consent, declaration or similar document in writing is made by the person, organization, province, state, country or legal representative thereof in whom the full and lawful parental rights and responsibilities have been legally vested by such order or orders, such statement, consent, declaration or similar document in writing shall for all purposes in Ontario have the same force and effect as if made under this Act.



Subsection 3. The subsection repealed provides for the transmission by the court of copies of orders respecting neglected children and is unnecessary because the matter is provided for by regulation.

SECTION 2. The new section permits the judge to dispense with the presence of a child at a hearing in respect of a neglected child.

SECTION 3. The subsection is re-enacted to allow the court to extend the time for making appeals from orders respecting neglected children from thirty days to sixty days.

SECTION 4. The new section gives recognition to the orders of courts in other jurisdictions with respect to the legal vesting of parental rights and the documents pertaining thereto.

SECTION 5—Subsection 1. The words "order to enforce the agreement" are substituted for "affiliation order" as being more appropriate.

Subsection 2. The subsection is repealed in view of the amendment to subsection 5 of section 43 of the Act. See section 6 of this Bill.

SECTION 6. The new subsection was formerly subsection 6 of section 43 of the Act.

SECTION 7. Complementary to section 3.

SECTION 8. The amendment removes the requirement that a person applying to adopt a child be domiciled in Canada.

5.—(1) Subsection 5 of section 43 of *The Child Welfare Act* is amended by striking out "affiliation order" in the fourth, sixth and ninth lines and inserting in lieu thereof in each instance "order to enforce the agreement", so that the subsection shall read as follows: R.S.O. 1960,  
c. 53, s. 43,  
subs. 5,  
amended

- (5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement. Default  
under  
agreement

(2) Subsection 6 of the said section 43 is repealed.

R.S.O. 1960,  
c. 53, s. 43,  
subs. 6,  
repealed

6. Section 44 of *The Child Welfare Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 53, s. 44,  
amended

- (2) Where an application for an affiliation order is made under subsection 1, the agreement made under subsection 1 of section 43 is admissible in evidence as *prima facie* proof that the putative father is in fact the father of the child. Proof of  
paternity

7. Subsection 1 of section 57 of *The Child Welfare Act* is amended by striking out "thirty" in the first line and inserting in lieu thereof "sixty", so that the subsection shall read as follows: R.S.O. 1960,  
c. 53, s. 57,  
subs. 1,  
amended

- (1) Within sixty days of the making of an order under this Part, any person may appeal from the order to the Court of Appeal with leave of a judge of the Supreme Court. Appeal

8. Section 64 of *The Child Welfare Act* is amended by striking out "domiciled in Canada and" in the third and fourth lines, so that the section shall read as follows: R.S.O. 1960,  
c. 53, s. 64,  
amended

64. The court may make an order for the adoption of any child resident in Ontario upon application therefor being made in the prescribed manner by a person resident in Ontario. Where  
order may  
be made

R.S.O. 1960,  
c. 53, s. 66,  
subs. 1,  
amended

9. Subsection 1 of section 66 of *The Child Welfare Act* is amended by inserting after "consent" in the third line "given after the child was seven days old" and by adding at the end thereof "but any person who has given his consent may cancel it within twenty-one days after it was given by a document in writing to that effect", so that the subsection shall read as follows:

Consent,  
where child  
born in  
wedlock

- (1) An order for the adoption of a child under twenty-one years of age who was born in wedlock and who has not been married shall be made only with the written consent, given after the child was seven days old, of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the child, but any person who has given his consent may cancel it within twenty-one days after it was given by a document in writing to that effect.

R.S.O. 1960,  
c. 53, s. 68,  
subs. 1,  
amended

10. Subsection 1 of section 68 of *The Child Welfare Act* is amended by adding at the end thereof "and the Director, in giving his certificate under clause *a* or *b*, may bring to the attention of the court any additional circumstances of the case that, in his opinion, the court may wish to take into account before the making of the order", so that the subsection shall read as follows:

Director's  
certificate

- (1) Subject to subsection 2, an adoption order in respect of a child who is under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing,
  - (a) that the child has resided for six months or more with the applicant and that during that period the conduct of the applicant and the conditions under which the child has lived have been such as in his opinion justify the making of the order; or
  - (b) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the child and that for the reasons set out in the certificate it is in the best interests of the child that the period of residence be dispensed with,

and the Director, in giving his certificate under clause *a* or *b*, may bring to the attention of the court any additional circumstances of the case that, in his opinion, the court may wish to take into account before the making of the order.

**SECTION 9.** The purpose of the amendment is to provide the same conditions in regard to the adoption of children born in wedlock as apply to the adoption of children born out of wedlock.

**SECTION 10.** The amendment extends the information that is certified by the Director for the purposes of an application for adoption.

SECTION 11. The amendment extends the time for transmitting copies of adoption orders to interested persons from ten days to thirty days.

**11.** Section 73 of *The Child Welfare Act* is amended by R.S.O. 1960,  
striking out "ten" in the first line and inserting in lieu thereof <sup>c. 53, s. 73,</sup> amended  
"thirty", so that the section, exclusive of the clauses, shall  
read as follows:

73. Within thirty days after the making of an adoption <sup>Transmission</sup>  
order, the proper officer of the court shall cause to <sup>of order</sup>  
be made a sufficient number of certified copies  
thereof under the seal of the proper certifying autho-  
rity and shall transmit,

. . . . .

**12.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**13.** This Act may be cited as *The Child Welfare Amend-* <sup>Short title</sup>  
*ment Act, 1961-62.*

AE Act to amend  
The Child Welfare Act

*1st Reading*

April 3rd, 1962

*2nd Reading*

*3rd Reading*

MR. CECILE



# **BILL 156**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Child Welfare Act**

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**MR. CECILE**

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## BILL 156

1961-62

## An Act to amend The Child Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 14 of section 17 of *The Child Welfare Act* is amended by adding at the end thereof "and the judge may terminate the order and make a further order under subsection 9 or take such other action under this section as he deems necessary in the interest of the welfare of the child", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 53, s. 17,  
subs. 14,  
amended

- (14) Where the judge has made an order under clause *a* of subsection 9, the society may at any time bring the case again before a judge for further consideration and action under this section, and the judge may terminate the order and make a further order under subsection 9 or take such other action under this section as he deems necessary in the interest of the welfare of the child.

Re-opening  
of case  
adjourned  
*sine die*

(2) Subsection 16 of the said section 17 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 53, s. 17,  
subs. 16,  
re-enacted

- (16) Subject to subsection 16*a*, where a judge has made an order under clause *c* of subsection 9, the society may, upon at least thirty days notice in writing to the Director, bring the case before a judge, and, if the judge is satisfied that the termination of the permanent commitment is in the best interest of the welfare of the child, he shall terminate the commitment.

Re-opening  
of  
permanent  
commitment

- (16*a*) Where a judge has made an order under clause *c* of subsection 9 and the child is or becomes a patient in a hospital under *The Children's Mental Hospitals Act* or an institution, other than an examination unit, under *The Mental Hospitals Act*, the society shall bring the case before a judge, and, if the judge

R.S.O. 1960,  
cc. 56, 236

is satisfied that the termination of the permanent commitment is in the best interest of the welfare of the child, he shall terminate the commitment.

R.S.O. 1960,  
c. 53, s. 17,  
subs. 21,  
repealed

(3) Subsection 21 of the said section 17 is repealed.

R.S.O. 1960,  
c. 53,  
amended

**2.** *The Child Welfare Act* is amended by adding thereto the following section:

Presence of  
child at  
hearing

17a. The judge may order that the presence of a child at a hearing under this Part be dispensed with, where he deems it to be in the best interest of the child.

R.S.O. 1960,  
c. 53, s. 29,  
subs. 1,  
re-enacted

**3.** Subsection 1 of section 29 of *The Child Welfare Act* is repealed and the following substituted therefor:

Appeal

(1) Any person, including a society or municipality, may with leave of a judge of the Supreme Court, within thirty days of the making of an order under this Part or, if so directed by the judge of the Supreme Court, within sixty days of the making of the order, appeal from the order to the Court of Appeal.

R.S.O. 1960  
c. 53,  
amended

**4.** *The Child Welfare Act* is amended by adding thereto the following section:

Effect of  
order of  
court in  
other  
jurisdiction

40a.—(1) Where, by an order or orders made by a court of competent jurisdiction in any other province or territory of Canada or in any other state or country that is specified in the regulations, full and lawful parental rights and responsibilities in respect of a child have been legally vested in any person, organization, province, state, country or legal representative thereof, the order or orders so made shall for all purposes in Ontario have the same force and effect as if made under this Act.

Idem

(2) Where, as a requirement of the making of an order or orders of a court referred to in subsection 1, any statement, consent, declaration or similar document in writing is made by the person, organization, province, state, country or legal representative thereof in whom the full and lawful parental rights and responsibilities have been legally vested by such order or orders, such statement, consent, declaration or similar document in writing shall for all purposes in Ontario have the same force and effect as if made under this Act.

5.—(1) Subsection 5 of section 43 of *The Child Welfare Act* is amended by striking out "affiliation order" in the fourth, sixth and ninth lines and inserting in lieu thereof in each instance "order to enforce the agreement", so that the subsection shall read as follows: R.S.O. 1960,  
c. 53, s. 43,  
subs. 5,  
amended

- (5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement. Default  
under  
agreement

(2) Subsection 6 of the said section 43 is repealed.

R.S.O. 1960,  
c. 53, s. 43,  
subs. 6,  
repealed

6. Section 44 of *The Child Welfare Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 53, s. 44,  
amended

- (2) Where an application for an affiliation order is made under subsection 1, the agreement made under subsection 1 of section 43 is admissible in evidence as *prima facie* proof that the putative father is in fact the father of the child. Proof of  
paternity

7. Subsection 1 of section 57 of *The Child Welfare Act* is amended by striking out "thirty" in the first line and inserting in lieu thereof "sixty", so that the subsection shall read as follows: R.S.O. 1960,  
c. 53, s. 57,  
subs. 1,  
amended

- (1) Within sixty days of the making of an order under this Part, any person may appeal from the order to the Court of Appeal with leave of a judge of the Supreme Court. Appeal

8. Section 64 of *The Child Welfare Act* is amended by striking out "domiciled in Canada and" in the third and fourth lines, so that the section shall read as follows: R.S.O. 1960,  
c. 53, s. 64,  
amended

64. The court may make an order for the adoption of any child resident in Ontario upon application therefor being made in the prescribed manner by a person resident in Ontario. Where  
order may  
be made

R.S.O. 1960,  
c. 53, s. 66,  
subs. 1,  
amended

**9.** Subsection 1 of section 66 of *The Child Welfare Act* is amended by inserting after "consent" in the third line "given after the child was seven days old" and by adding at the end thereof "but any person who has given his consent may cancel it within twenty-one days after it was given by a document in writing to that effect", so that the subsection shall read as follows:

Consent,  
where child  
born in  
wedlock

- (1) An order for the adoption of a child under twenty-one years of age who was born in wedlock and who has not been married shall be made only with the written consent, given after the child was seven days old, of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the child, but any person who has given his consent may cancel it within twenty-one days after it was given by a document in writing to that effect.

R.S.O. 1960,  
c. 53, s. 68,  
subs. 1,  
amended

**10.** Subsection 1 of section 68 of *The Child Welfare Act* is amended by adding at the end thereof "and the Director, in giving his certificate under clause *a* or *b*, may bring to the attention of the court any additional circumstances of the case that, in his opinion, the court may wish to take into account before the making of the order", so that the subsection shall read as follows:

Director's  
certificate

- (1) Subject to subsection 2, an adoption order in respect of a child who is under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing,
  - (a) that the child has resided for six months or more with the applicant and that during that period the conduct of the applicant and the conditions under which the child has lived have been such as in his opinion justify the making of the order; or
  - (b) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the child and that for the reasons set out in the certificate it is in the best interests of the child that the period of residence be dispensed with,

and the Director, in giving his certificate under clause *a* or *b*, may bring to the attention of the court any additional circumstances of the case that, in his opinion, the court may wish to take into account before the making of the order.

**11.** Section 73 of *The Child Welfare Act* is amended by R.S.O. 1960, striking out "ten" in the first line and inserting in lieu thereof <sup>c. 53, s. 73,</sup> amended "thirty", so that the section, exclusive of the clauses, shall read as follows:

73. Within thirty days after the making of an adoption <sup>Transmission</sup> order, the proper officer of the court shall cause to be made a sufficient number of certified copies thereof under the seal of the proper certifying authority and shall transmit, <sup>of order</sup>

. . . . .

**12.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**13.** This Act may be cited as *The Child Welfare Amend-* <sup>Short title</sup> *ment Act, 1961-62.*

AE Act to amend  
The Child Welfare Act

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*1st Reading*

April 3rd, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 17th, 1962

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MR. CECILE

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# **BILL 157**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting The Religious Hospitallers of the Hotel Dieu of St. Joseph of the Diocese of London, in the Province of Ontario**

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**MR. DYMOND**

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#### EXPLANATORY NOTE

The purpose of this Bill is to clarify the title to the land of the Corporation and to remove the present ceiling on the value of land that may be held, occupied and used by the Corporation for its purposes.

BILL 157

1961-62

**An Act respecting The Religious Hospitallers of  
the Hotel Dieu of St. Joseph of the Diocese of  
London, in the Province of Ontario**

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. The lands described in the Schedule hereto, situate in <sup>Lands</sup> the City of Windsor, in the County of Essex and Province of <sup>vested in</sup> Ontario, acquired by The Religious Hospitallers of the Hotel Dieu of St. Joseph of the Diocese of London, are hereby <sup>Corporation</sup> vested in the said corporation in fee simple free and clear from all right, title and interest of the Public Trustee, and also free and clear from all right, title and interest other than that of the said corporation, but subject to the rights of the trustee and bondholders purporting to have been given to them pursuant to the provisions of a mortgage deed of trust made between the said corporation and The Canada Trust Company, as trustee, dated the 23rd day of May, 1951, and registered in the registry office for the registry division of the County of Essex on the 11th day of June, 1951, as No. 90819, as amended by supplemental deed of trust and mortgage made between the said parties, dated the 24th day of November, 1961, and registered in the registry office for the registry division of the County of Essex on the 6th day of December, 1961, as No. 251599, and the bonds issued thereunder.

2. Notwithstanding *An Act to incorporate The Religious Hospitallers of the Hotel Dieu of St. Joseph of the Diocese of London, in the Province of Ontario*, being chapter 105 of the Statutes of Ontario, 1917, <sup>Value of land that may be held</sup> 1917, c. 105

- (a) the said corporation may acquire, hold, accept or receive land that has an annual value in excess of \$50,000; and
- (b) the said corporation shall have, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or <sup>R.S.O. 1960, c. 191</sup>

otherwise acquire, take or receive by deed, gift, bequest or devise, and to hold and enjoy, any estate or property whatsoever, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition to or in place thereof, without licence in mortmain and without limitation as to the period of holding.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Hotel Dieu Hospital, Windsor, Act, 1961-62*.

## SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario, and being composed of:—

Lots numbered One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), in Block Five (5), according to a plan of the subdivision into Town lots of parts of Lots Eighty-one (81) and Eighty-two (82), (by McNiff's numbers), formerly in the First Concession of the Township of Sandwich, but now in the City of Windsor, according to Registered Plan No. Two Hundred and Seventy-one (271);

The northerly forty feet (40') of Lot No. One Hundred and Sixty-nine (169) and the southerly twenty-five feet (25') of Lot No. One Hundred and Sixty-eight (168), both said lots being on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan Thirteen Hundred and Three (1303);

The north one-half ( $\frac{1}{2}$ ) of Lot No. One Hundred and Seventy-seven (177), on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan numbered Thirteen Hundred and Three (1303);

The southerly thirty feet (30') from front to rear of Lot No. One Hundred and Seventy-six (176), on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan numbered Thirteen Hundred and Three (1303);

The middle one-third ( $\frac{1}{3}$ ) of Lot No. One Hundred and Sixty-nine (169), in the City of Windsor, in the County of Essex, according to Registered Plan numbered Thirteen Hundred and Three (1303), which said middle one-third may be more particularly described as follows:—

COMMENCING at a point in the westerly limit of Goyeau Street forty feet (40') south of the north limit of Lot No. One Hundred and Sixty-nine (169) according to Registered Plan Thirteen Hundred and Three (1303) of the City of Windsor;

THENCE westerly parallel with the north limit of the said lot to a point in the west limit thereof;

THENCE southerly along the west limit of the said lot a distance of forty feet (40') more or less to a point in the said west limit, which point is forty feet (40') north from the south limit of the said lot;

THENCE easterly and parallel with the northerly limit of said Lot No. One Hundred and Sixty-nine (169) to a point in the west limit of Goyeau Street forty feet (40') north from the southerly limit of the said Lot No. One Hundred and Sixty-nine (169);

THENCE northerly along the west limit of Goyeau Street a distance of forty feet (40') more or less to the place of beginning;

The south one-third ( $\frac{1}{3}$ ) of Lot No. One Hundred and Sixty-nine (169), on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan No. Thirteen Hundred and Three (1303);

The north half of the south half of Lot No. One Hundred and Seventy-six (176), on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan No. Thirteen Hundred and Three (1303).



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Board of

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of the Hotel Dieu of St. Joseph of  
the Diocese of London, in the  
Province of Ontario

*1st Reading*

April 4th, 1962

*2nd Reading*

*3rd Reading*

Mr. Dymond



# **BILL 157**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting The Religious Hospitallers of the  
Hotel Dieu of St. Joseph of the Diocese of London,  
in the Province of Ontario**

---

**MR. DYMOND**

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An Act to  
Hotel District

BILL 157

1961-62

**An Act respecting The Religious Hospitallers of  
the Hotel Dieu of St. Joseph of the Diocese of  
London, in the Province of Ontario**

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. The lands described in the Schedule hereto, situate in <sup>Lands</sup> the City of Windsor, in the County of Essex and Province of <sup>vested in</sup> Ontario, acquired by The Religious Hospitallers of the Hotel Dieu of St. Joseph of the Diocese of London, are hereby vested in the said corporation in fee simple free and clear from all right, title and interest of the Public Trustee, and also free and clear from all right, title and interest other than that of the said corporation, but subject to the rights of the trustee and bondholders purporting to have been given to them pursuant to the provisions of a mortgage deed of trust made between the said corporation and The Canada Trust Company, as trustee, dated the 23rd day of May, 1951, and registered in the registry office for the registry division of the County of Essex on the 11th day of June, 1951, as No. 90819, as amended by supplemental deed of trust and mortgage made between the said parties, dated the 24th day of November, 1961, and registered in the registry office for the registry division of the County of Essex on the 6th day of December, 1961, as No. 251599, and the bonds issued thereunder.

2. Notwithstanding *An Act to incorporate The Religious Hospitallers of the Hotel Dieu of St. Joseph of the Diocese of London, in the Province of Ontario*, being chapter 105 of the <sup>Value of</sup> <sup>land that</sup> <sup>may be</sup> <sup>held</sup> <sup>1917, c. 105</sup> Statutes of Ontario, 1917,

- (a) the said corporation may acquire, hold, accept or receive land that has an annual value in excess of \$50,000; and
- (b) the said corporation shall have, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or <sup>R.S.O. 1960,</sup> <sup>c. 191</sup>

otherwise acquire, take or receive by deed, gift, bequest or devise, and to hold and enjoy, any estate or property whatsoever, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition to or in place thereof, without licence in mortmain and without limitation as to the period of holding.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Hotel Dieu Hospital, Windsor, Act, 1961-62*.

## SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario, and being composed of:—

Lots numbered One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), in Block Five (5), according to a plan of the subdivision into Town lots of parts of Lots Eighty-one (81) and Eighty-two (82), (by McNiff's numbers), formerly in the First Concession of the Township of Sandwich, but now in the City of Windsor, according to Registered Plan No. Two Hundred and Seventy-one (271);

The northerly forty feet (40') of Lot No. One Hundred and Sixty-nine (169) and the southerly twenty-five feet (25') of Lot No. One Hundred and Sixty-eight (168), both said lots being on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan Thirteen Hundred and Three (1303);

The north one-half ( $\frac{1}{2}$ ) of Lot No. One Hundred and Seventy-seven (177), on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan numbered Thirteen Hundred and Three (1303);

The southerly thirty feet (30') from front to rear of Lot No. One Hundred and Seventy-six (176), on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan numbered Thirteen Hundred and Three (1303);

The middle one-third ( $\frac{1}{3}$ ) of Lot No. One Hundred and Sixty-nine (169), in the City of Windsor, in the County of Essex, according to Registered Plan numbered Thirteen Hundred and Three (1303), which said middle one-third may be more particularly described as follows:—

COMMENCING at a point in the westerly limit of Goyeau Street forty feet (40') south of the north limit of Lot No. One Hundred and Sixty-nine (169) according to Registered Plan Thirteen Hundred and Three (1303) of the City of Windsor;

THENCE westerly parallel with the north limit of the said lot to a point in the west limit thereof;

THENCE southerly along the west limit of the said lot a distance of forty feet (40') more or less to a point in the said west limit, which point is forty feet (40') north from the south limit of the said lot;

THENCE easterly and parallel with the northerly limit of said Lot No. One Hundred and Sixty-nine (169) to a point in the west limit of Goyeau Street forty feet (40') north from the southerly limit of the said Lot No. One Hundred and Sixty-nine (169);

THENCE northerly along the west limit of Goyeau Street a distance of forty feet (40') more or less to the place of beginning;

The south one-third ( $\frac{1}{3}$ ) of Lot No. One Hundred and Sixty-nine (169), on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan No. Thirteen Hundred and Three (1303);

The north half of the south half of Lot No. One Hundred and Seventy-six (176), on the west side of Goyeau Street, in the City of Windsor, in the County of Essex, according to Registered Plan No. Thirteen Hundred and Three (1303).

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An Act respecting The Religious Hospitallers  
of the Hotel Dieu of St. Joseph of  
the Diocese of London, in the  
Province of Ontario

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*1st Reading*

April 4th, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 17th, 1962

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MR. DYMOND

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# **BILL 158**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Vital Statistics Act**

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**MR. YAREMKO**

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#### EXPLANATORY NOTE

The amendment requires notice of every registration of death or still-birth made by a division registrar, where the death or still-birth occurred in a division other than his division, to be sent to the proper division registrar in lieu of the sending of the actual registration.

BILL 158

1961-62

## An Act to amend The Vital Statistics Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 36 of *The Vital Statistics Act* is amended by striking out "and" at the end of clause *n* and by striking out clause *o* and inserting in lieu thereof the following: <sup>R.S.O. 1960, c. 419, s. 36, amended</sup>

- (o) transmit to the proper division registrar within forty-eight hours every statement of birth received by him that did not occur within his registration division; and
- (p) transmit to the proper division registrar within forty-eight hours notice of every registration of death or still-birth made by him that did not occur within his registration division.

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

**3.** This Act may be cited as *The Vital Statistics Amendment Act, 1961-62* (No. 2). <sup>Short title</sup>

An Act to amend  
The Vital Statistics Act

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*1st Reading*

April 4th, 1962

*2nd Reading*

*3rd Reading*

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MR. YAREMKO

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# **BILL 158**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Vital Statistics Act**

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**MR. YAREMKO**

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BILL 158

1961-62

## An Act to amend The Vital Statistics Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Vital Statistics Act* is amended by <sup>R.S.O. 1960, c. 419, s. 36, amended</sup> striking out "and" at the end of clause *n* and by striking out clause *o* and inserting in lieu thereof the following:

- (o) transmit to the proper division registrar within forty-eight hours every statement of birth received by him that did not occur within his registration division; and
- (p) transmit to the proper division registrar within forty-eight hours notice of every registration of death or still-birth made by him that did not occur within his registration division.

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sub>ment</sub>

3. This Act may be cited as *The Vital Statistics Amendment Act, 1961-62 (No. 2)*. <sup>Short title</sup>

An Act to amend  
The Vital Statistics Act

---

*1st Reading*

April 4th, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 17th, 1962

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MR. YAREMKO

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# **BILL 159**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Construction Hoists Act, 1960-61**

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**MR. WARRENDER**

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**TORONTO**  
**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTES

**SECTION 1.** This amendment authorizes the chief inspector, rather than any inspector, to examine persons under oath.

**SECTION 2.** The amendment limits the application of the subsection to construction hoists for hoisting and lowering workmen.

**SECTION 3.** This new section is necessary by reason of limiting subsection 1 of section 11 of the Act to man hoists by section 2 of the Bill.

**SECTION 4.** These amendments are complementary to sections 2 and 3 of the Bill and deal separately with construction hoists for men and construction hoists for materials.

BILL 159

1961-62

## An Act to amend The Construction Hoists Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Construction Hoists Act, 1960-61* is amended by striking out "an" in the second line and inserting in lieu thereof "the chief", so that the section shall read as follows: <sup>1960-61, c. 11, s. 6, amended</sup>

6. For the purpose of an inspection or an investigation under this Act, the chief inspector may, by notice in writing, require the attendance before him of any person at the time and place named in the notice and may then and there examine such person under oath regarding any matter pertaining to such inspection or investigation. <sup>Power to examine persons under oath</sup>

2. Subsection 1 of section 11 of *The Construction Hoists Act, 1960-61* is amended by inserting after "hoist" in the second line "for hoisting or lowering workmen", so that the subsection shall read as follows: <sup>1960-61, c. 11, s. 11, subs. 1, amended</sup>

- (1) No person shall commence an installation or major alteration of a construction hoist for hoisting or lowering workmen until the drawings and specifications thereof have been approved in writing by an engineer of the Department. <sup>Installation of man hoists</sup>

3. *The Construction Hoists Act, 1960-61* is amended by adding thereto the following section: <sup>1960-61, c. 11, amended</sup>

- 11a. No person shall commence an installation or major alteration of a construction hoist for hoisting or lowering materials until he has obtained permission in writing from the chief inspector. <sup>Installation of material hoists</sup>

4. Subsection 1 of section 12 of *The Construction Hoists Act, 1960-61* is repealed and the following substituted therefor: <sup>1960-61, c. 11, s. 12, subs. 1, re-enacted</sup>

Inspection  
before  
operation,  
man hoists

- (1) No construction hoist for hoisting or lowering workmen shall be put into operation after installation or major alteration until it has been inspected by an inspector.

Idem,  
material  
hoists

- (1a) No construction hoist for hoisting or lowering materials shall be put into operation after installation or major alteration,

(a) until it has been inspected by an inspector; or

(b) unless the chief inspector,

(i) having received at least twenty-four hours advance notice of the time when and the place where the construction hoist is to be ready for inspection, and

(ii) is satisfied that the hoist has been installed or altered under the supervision of a competent person so that it will operate safely,

gives permission to temporarily operate the construction hoist until it is inspected by an inspector.

Commence-  
ment

**5.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**6.** This Act may be cited as *The Construction Hoists Amendment Act, 1961-62*.







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An Act to amend  
The Construction Hoists Act, 1960-61

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*1st Reading*

April 4th, 1962

*2nd Reading*

*3rd Reading*

---

MR. WARRENDER

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**BILL 159**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act to amend  
The Construction Hoists Act, 1960-61**

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**MR. WARRENDER**

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BILL 159

1961-62

**An Act to amend  
The Construction Hoists Act, 1960-61**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Construction Hoists Act, 1960-61* is <sup>1960-61, c. 11, s. 6, amended</sup> amended by striking out "an" in the second line and inserting in lieu thereof "the chief", so that the section shall read as follows:

6. For the purpose of an inspection or an investigation under this Act, the chief inspector may, by notice in writing, require the attendance before him of any person at the time and place named in the notice and may then and there examine such person under oath regarding any matter pertaining to such inspection or investigation. <sup>Power to examine persons under oath</sup>

2. Subsection 1 of section 11 of *The Construction Hoists Act, 1960-61* is amended by inserting after "hoist" in the second line "for hoisting or lowering workmen", so that the subsection shall read as follows: <sup>1960-61, c. 11, s. 11, subs. 1, amended</sup>

(1) No person shall commence an installation or major alteration of a construction hoist for hoisting or lowering workmen until the drawings and specifications thereof have been approved in writing by an engineer of the Department. <sup>Installation of man hoists</sup>

3. *The Construction Hoists Act, 1960-61* is amended by adding thereto the following section: <sup>1960-61, c. 11, amended</sup>

11a. No person shall commence an installation or major alteration of a construction hoist for hoisting or lowering materials until he has obtained permission in writing from the chief inspector. <sup>Installation of material hoists</sup>

4. Subsection 1 of section 12 of *The Construction Hoists Act, 1960-61* is repealed and the following substituted therefor: <sup>1960-61, c. 11, s. 12, subs. 1, re-enacted</sup>

Inspection  
before  
operation,  
man hoists

- (1) No construction hoist for hoisting or lowering workmen shall be put into operation after installation or major alteration until it has been inspected by an inspector.

Idem,  
material  
hoists

- (1a) No construction hoist for hoisting or lowering materials shall be put into operation after installation or major alteration,

(a) until it has been inspected by an inspector; or

(b) unless the chief inspector,

(i) having received at least twenty-four hours advance notice of the time when and the place where the construction hoist is to be ready for inspection, and

(ii) is satisfied that the hoist has been installed or altered under the supervision of a competent person so that it will operate safely,

gives permission to temporarily operate the construction hoist until it is inspected by an inspector.

Commence-  
ment

**5.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**6.** This Act may be cited as *The Construction Hoists Amendment Act, 1961-62*.





1875-76

1876-77

1877-78

AN ACT TO AMEND  
The Construction Hoists Act, 1960-61

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*1st Reading*

April 4th, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 17th, 1962

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MR. WARRENDER

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**BILL 160**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

---

**An Act to amend  
The Elevators and Lifts Act**

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**MR. WARRENDER**

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#### EXPLANATORY NOTES

SECTION 1. Inspectors under the Act are authorized to apply a certain recognized safety code. The amendment specifies the current edition of this code.

SECTION 2. This amendment authorizes the chief inspector, rather than any inspector, to examine persons under oath.

SECTION 3. The maximum fine for an offence under the Act is increased from \$500 to \$1,000.

BILL 160

1961-62

## An Act to amend The Elevators and Lifts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 8 of *The Elevators and Lifts Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 119, s. 8,  
cl. a,  
re-enacted

- (a) apply the Safety Code for Elevators, Dumb-waiters and Escalators (Second Edition) of the Canadian Standards Association, as approved by the Association in 1960, to new installations of elevators, dumb-waiters and escalators.

2. Section 9 of *The Elevators and Lifts Act* is amended by striking out "an" in the second line and inserting in lieu thereof "the chief", so that the section shall read as follows: R.S.O. 1960,  
c. 119, s. 9,  
amended

9. For the purpose of an inspection or an investigation under this Act, the chief inspector may, by notice in writing, require the attendance before him of any person at the time and place named in the notice and may then and there examine such person under oath regarding any matter pertaining to such inspection or investigation. Power to  
examine  
persons  
under oath

3. Subsection 1 of section 24 of *The Elevators and Lifts Act* is amended by striking out "\$500" in the fourth line and inserting in lieu thereof "\$1,000", so that the subsection shall read as follows: R.S.O. 1960,  
c. 119, s. 24,  
subs. 1,  
amended

- (1) A person who contravenes any of the provisions of this Act or the regulations or any notice or order made thereunder is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. Offence

R.S.O. 1960,  
c. 119, s. 27,  
subs. 1,  
amended

**4.** Subsection 1 of section 27 of *The Elevators and Lifts Act* is amended by adding thereto the following clause:

(ka) making designated parts of the safety code referred to in section 8 not applicable to new installations of elevators, dumb-waiters or escalators.

Commence-  
ment

**5.** This Act comes into force on the 1st day of July, 1962.

Short title

**6.** This Act may be cited as *The Elevators and Lifts Amendment Act, 1961-62.*

**SECTION 4.** Regulations are authorized on the matter mentioned in the new clause.

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21-11-1960

*Journal of Management Education*

An Act to amend  
The Elevators and Lifts Act

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*1st Reading*

April 4th, 1962

*2nd Reading*

*3rd Reading*

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MR. WARRENDER

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**BILL 160**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act to amend  
The Elevators and Lifts Act**

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**MR. WARRENDER**

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U. S. National Academy of Sciences  
Washington, D. C.

BILL 160

1961-62

## An Act to amend The Elevators and Lifts Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 8 of *The Elevators and Lifts Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 119, s. 8,  
cl. a,  
re-enacted

- (a) apply the Safety Code for Elevators, Dumb-waiters and Escalators (Second Edition) of the Canadian Standards Association, as approved by the Association in 1960, to new installations of elevators, dumb-waiters and escalators.

2. Section 9 of *The Elevators and Lifts Act* is amended by striking out "an" in the second line and inserting in lieu thereof "the chief", so that the section shall read as follows: R.S.O. 1960,  
c. 119, s. 9,  
amended

9. For the purpose of an inspection or an investigation under this Act, the chief inspector may, by notice in writing, require the attendance before him of any person at the time and place named in the notice and may then and there examine such person under oath regarding any matter pertaining to such inspection or investigation. Power to  
examine  
persons  
under oath

3. Subsection 1 of section 24 of *The Elevators and Lifts Act* is amended by striking out "\$500" in the fourth line and inserting in lieu thereof "\$1,000", so that the subsection shall read as follows: R.S.O. 1960,  
c. 119, s. 24,  
subs. 1,  
amended

- (1) A person who contravenes any of the provisions of this Act or the regulations or any notice or order made thereunder is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. Offence

R.S.O. 1960,  
c. 119, s. 27,  
subs. 1,  
amended

4. Subsection 1 of section 27 of *The Elevators and Lifts Act* is amended by adding thereto the following clause:

(ka) making designated parts of the safety code referred to in section 8 not applicable to new installations of elevators, dumb-waiters or escalators.

Commence-  
ment

5. This Act comes into force on the 1st day of July, 1962.

Short title

6. This Act may be cited as *The Elevators and Lifts Amendment Act, 1961-62*.

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An Act to amend  
The Elevators and Lifts Act

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*1st Reading*

April 4th, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 17th, 1962

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MR. WARRENDER

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# **BILL 161**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to repeal The Building Trades Protection Act**

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**MR. WARRENDER**

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EXPLANATORY NOTE

This Act is being replaced by *The Construction Safety Act, 1961-62*.

BILL 161

1961-62

**An Act to repeal  
The Building Trades Protection Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Building Trades Protection Act* is repealed. R.S.O. 1960,  
c. 42,  
repealed
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment
3. This Act may be cited as *The Building Trades Protection Repeal Act, 1961-62*. Short title

An Act to repeal  
The Building Trades Protection Act

---

*1st Reading*

April 4th, 1962

*2nd Reading*

*3rd Reading*

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MR. WARRENDER

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# **BILL 161**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to repeal The Building Trades Protection Act**

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**MR. WARRENDER**

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The

BILL 161

1961-62

**An Act to repeal  
The Building Trades Protection Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Building Trades Protection Act* is repealed. R.S.O. 1960,  
c. 42,  
repealed
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment
3. This Act may be cited as *The Building Trades Protection Repeal Act, 1961-62*. Short title

FILE 101

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An Act to repeal  
The Building Trades Protection Act

---

*1st Reading*

April 4th, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 17th, 1962

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MR. WARRENDER

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# **BILL 162**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act to provide for the Safety of Workmen during the  
Construction, Alteration, Repair or Demolition of  
Buildings and Other Structures**

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**MR. WARRENDER**

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#### EXPLANATORY NOTE

This new Act, when proclaimed in force, will replace *The Building Trades Protection Act*. It is designed to ensure the safety of workmen during the construction, alteration, repair or demolition of buildings and other structures.

The responsibility for the safety of workmen is placed upon their employers.

Inspections will be carried out and corrective measures taken by municipal inspectors when the project is located in a municipality and by provincial inspectors when the project is located in territory without municipal organization. The provincial inspectors, upon request, will also instruct, advise and assist municipal officials and inspectors.

The regulations to be made under the Act will contain the standards of safety that must be maintained on all projects.

## BILL 162

1961-62

**An Act to provide for the Safety of Workmen during the Construction, Alteration, Repair or Demolition of Buildings and Other Structures**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

**Interpre-  
tation**

- (a) "Deputy Minister" means the Deputy Minister of Labour;
- (b) "inspector" means a person appointed by the Lieutenant Governor in Council or by the council of a municipality for the purposes of this Act;
- (c) "local municipality" means a city, town, village, township or improvement district;
- (d) "municipality" means a county, city, town, village, township or improvement district;
- (e) "prescribed" means prescribed by the regulations;
- (f) "project" means a building or other structure, including the appurtenances thereto, that is being constructed, altered, repaired or demolished;
- (g) "regulations" means the regulations made under this Act;
- (h) "safety" means freedom from bodily injury or freedom from damage to health.

**2.** Subject to section 3, this Act and the regulations apply <sup>Where Act applies</sup> to every project, including any project of the Crown or of any agency of the Crown or of any municipality as defined in *The Department of Municipal Affairs Act*.

Where Act  
does not  
apply

3. This Act and the regulations do not apply to a project,
- (a) while the work is being done solely by the owner in person;

R.S.O. 1960,  
c. 241

- (b) to which *The Mining Act* applies; or
- (c) that is situate on a farm and that is to be used or is used only for farming purposes.

Appoint-  
ment and  
duties of  
inspectors,  
provincial

4. The Lieutenant Governor in Council shall appoint one or more persons as inspectors who shall,

- (a) when requested, advise and assist municipal officials in the selection of suitable persons for appointment as municipal inspectors;
- (b) when requested, instruct, advise and assist municipal inspectors in the carrying out of their duties under this Act; and
- (c) enforce this Act and the regulations in territory without municipal organization.

Appoint-  
ment and  
duties of  
inspectors,  
cities, etc.

- 5.—(1) The council,

- (a) of every local municipality that has a population of more than 50,000 according to the last municipal census;
- (b) of every city and every separated town;
- (c) of every local municipality not mentioned in clause *a* or *b* that is in a territorial district; and
- (d) of every area municipality in The Municipality of Metropolitan Toronto,

shall appoint one or more persons as inspectors who shall enforce this Act and the regulations in the municipality.

Idem

(2) Every local municipality to which subsection 1 applies that is within a county for municipal purposes shall, for the purposes of this Act, cease to form part of the county for municipal purposes.

Appoint-  
ment and  
duties of  
inspectors,  
counties

6. The council of every county shall appoint one or more inspectors who shall enforce this Act and the regulations in the local municipalities that, for the purposes of this Act, form part of the county for municipal purposes.

**7.—**(1) The councils of two or more municipalities may enter into an agreement under which the inspector or inspectors of one of them will enforce this Act and the regulations in the other or others upon such terms and conditions as are agreed upon. Appointment and duties of inspectors, joint agreements

(2) Where a local municipality that enters into an agreement under subsection 1 is within a county for municipal purposes, it shall, for the purposes of this Act, upon notice to the county, cease to form part of the county for municipal purposes so long as the agreement is in effect. Idem

**8.** Any local municipality that forms part of a county for municipal purposes may, upon notice to the county, withdraw for the purposes of this Act from the county, and thereupon the council of the local municipality shall appoint one or more persons as inspectors who shall enforce this Act and the regulations in the municipality. Appointment of inspectors, upon withdrawal from county

**9.** The notice mentioned in sections 7 and 8 shall be given at least three months before the end of a year and is effective on the 1st day of January of the year next following. Idem

**10.** When a municipal inspector is appointed or his appointment is terminated, the clerk of the municipality shall, within seven days thereafter, notify the Deputy Minister of the name and address of the inspector and the date of his appointment or the date of the termination of his appointment, as the case may be. Notification of appointment and termination

**11.—**(1) There shall be issued to every inspector a certificate of appointment signed by the clerk of the municipality or the Deputy Minister, as the case may be. Certificate of appointment

(2) When carrying out any of his duties under this Act, an inspector shall produce his certificate of appointment, if such is requested. Production of certificate

**12.** An inspector may enter any land or premises at any reasonable time for the purpose of carrying out any of his duties under this Act. Power of entry

**13.—**(1) An inspector for the purpose of carrying out his duties under this Act may require the production of the drawings and specifications of a project or any part thereof, and may inspect the same and may require information from any person concerning the same. Power to require information

(2) No person shall neglect or refuse to produce drawings and specifications as required by an inspector under subsection- False information, etc.

tion 1, and no person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector under subsection 1.

Obstructing

**14.** No person shall obstruct an inspector in the exercise of his duties under this Act.

Duty of employer to facilitate inspections

**15.** Every employer of workmen on a project and the workmen shall furnish all necessary means in his or their power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act.

Annual reports by municipal inspectors

**16.** Every municipal inspector, or, where there is more than one, the senior in appointment, shall prepare and submit to his council, or, where an agreement under section 7 is in effect, to the councils of the municipalities who are parties to the agreement, a report on or before the 31st day of January of each year in respect of the previous calendar year, and such report shall contain,

- (a) the number of inspectors employed by the municipality;
- (b) the number of inspections made;
- (c) the number of informations laid for offences under this Act;
- (d) the nature of such offences and the number of convictions made with respect thereto and the penalties imposed;
- (e) the number of persons fatally injured on projects and the causes of such fatalities;
- (f) the number of orders made under section 17 and the number of work stoppages ordered;
- (g) such other matters as are prescribed.

Stop-work orders

**17.—(1)** Where an inspector is of opinion that any provision of this Act or the regulations is being contravened, he may give to the person whom he believes to be the contravener such order in writing as he deems necessary to ensure compliance with this Act and the regulations, and such order shall specify that it shall be carried out forthwith or before the expiry of such period as is specified therein, and,

- (a) where the order specifies that it be carried out forthwith, all work on the project or the part thereof

specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with; or

- (b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with.

(2) Where an inspector gives an order under subsection 1, <sup>Posting of copy</sup> he may affix a copy thereof to the project or any part thereof, and no person, except the inspector, shall remove such copy unless authorized by the inspector.

(3) Every person to whom an order is given and who fails <sup>Penalty</sup> to comply with it in accordance with its terms is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for every day upon which the contravention continues.

**18.** Every employer of workmen on a project shall take <sup>Duty of employers</sup> every precaution that is reasonable in the circumstances to ensure their safety.

**19.** Every workman on a project who,

<sup>Offences by workmen</sup>

- (a) by his conduct endangers his safety or that of other persons; or
- (b) fails to use or wear protective devices or clothing when required by his employer,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

**20.—(1)** Where a workman on a project is killed or is <sup>Fatal accidents</sup> injured in a manner likely to prove fatal, his employer shall immediately notify an inspector by telephone, telegram or in person of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence.

(2) Where a person on a project is killed or is injured in a <sup>Disturbance of wreckage</sup> manner likely to prove fatal, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy or carry away or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector.

Municipal  
by-laws,  
conflict, etc.

**21.** Nothing in this Act affects any authority that a municipality has to pass by-laws relating to matters mentioned in this Act or the regulations or affects any such by-law in so far as the by-law imposes additional or more stringent requirements than those imposed by this Act or the regulations, and, in the event of conflict between any of the provisions of a by-law and any of the provisions of this Act and the regulations, this Act and the regulations prevail.

General  
penalty

**22.** Every person who contravenes any provision of this Act or the regulations is guilty of an offence under this Act and on summary conviction, where a penalty for such offence is not otherwise provided, is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both.

Disposition  
of fines,  
municipalities

**23.—(1)** Every fine collected for an offence under this Act that was committed in a municipality shall be paid over to the treasurer of the municipality whose inspector laid the information for the offence.

Idem,  
unorganized  
territory

**(2)** Every fine collected for an offence under this Act that was committed in territory without municipal organization shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund.

Regulations

**24.—(1)** The Lieutenant Governor in Council may make such regulations as are considered necessary or advisable to ensure the safety of workmen on projects.

Idem

**(2)** Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

- (a) defining any expression used in this Act or the regulations;
- (b) prescribing standards of qualifications of inspectors;
- (c) prescribing matters, in addition to those set out in section 16, that shall be included in the annual reports of municipal inspectors;
- (d) requiring and prescribing the notices in one or more languages that shall be posted on projects by the owners thereof or the employers of workmen thereon;
- (e) prescribing the records that shall be kept by employers;
- (f) prescribing forms and providing for their use.



**25.** This Act comes into force on a day to be named by <sup>Commence-</sup><sub>ment</sub> the Lieutenant Governor by his proclamation.

**26.** This Act may be cited as *The Construction Safety Act*, <sup>Short title</sup>  
*1961-62.*

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and Office of the  
Director of the Census

AN ACT to provide for the Safety of Work-  
men Acting on, and  
Repair or Demolition of Buildings  
and Other Structures

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*1st Reading*

April 4th, 1962

*2nd Reading*

*3rd Reading*

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MR. WARRENDER

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1961-62

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# **BILL 162**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act to provide for the Safety of Workmen during the  
Construction, Alteration, Repair or Demolition of  
Buildings and Other Structures**

---

**MR. WARRENDER**

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*(Reprinted as amended by the Committee on Labour)*

#### EXPLANATORY NOTE

This new Act, when proclaimed in force, will replace *The Building Trades Protection Act*. It is designed to ensure the safety of workmen during the construction, alteration, repair or demolition of buildings and other structures.

The responsibility for the safety of workmen is placed upon their employers.

Inspections will be carried out and corrective measures taken by municipal inspectors when the project is located in a municipality and by provincial inspectors when the project is located in territory without municipal organization. The provincial inspectors, upon request, will also instruct, advise and assist municipal officials and inspectors.

The regulations to be made under the Act will contain the standards of safety that must be maintained on all projects.

**An Act to provide for the Safety of Workmen during the Construction, Alteration, Repair or Demolition of Buildings and Other Structures**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

**Interpre-  
tation**

- (a) "Deputy Minister" means the Deputy Minister of Labour;
- (b) "inspector" means a person appointed by the Lieutenant Governor in Council or by the council of a municipality for the purposes of this Act;
- (c) "local municipality" means a city, town, village, township or improvement district;
- (d) "municipality" means a county, city, town, village, township or improvement district;
- (e) "prescribed" means prescribed by the regulations;
- (f) "project" means a building or other structure, including the appurtenances thereto, that is being constructed, altered, repaired or demolished;
- (g) "regulations" means the regulations made under this Act;
- (h) "safety" means freedom from bodily injury or freedom from damage to health.

**2.** Subject to section 3, this Act and the regulations apply <sup>Where Act applies</sup> to every project, including any project of the Crown or of any agency of the Crown or of any municipality as defined in *The Department of Municipal Affairs Act*.

Where Act  
does not  
apply

3. This Act and the regulations do not apply to a project,

(a) while the work is being done solely by the owner in person;

R.S.O. 1960,  
c. 241

(b) to which *The Mining Act* applies; or

(c) that is situate on a farm and that is to be used or is used only for farming purposes.

Appoint-  
ment and  
duties of  
inspectors,  
provincial

4. The Lieutenant Governor in Council shall appoint one or more persons as inspectors who shall,

(a) when requested, advise and assist municipal officials in the selection of suitable persons for appointment as municipal inspectors;

(b) when requested, instruct, advise and assist municipal inspectors in the carrying out of their duties under this Act; and

(c) enforce this Act and the regulations in territory without municipal organization.

Appoint-  
ment and  
duties of  
inspectors,  
cities, etc.

5.—(1) The council,

(a) of every local municipality that has a population of more than 50,000 according to the last municipal census;

(b) of every city and every separated town;

(c) of every local municipality not mentioned in clause *a* or *b* that is in a territorial district; and

(d) of every area municipality in The Municipality of Metropolitan Toronto,

shall appoint one or more persons as inspectors who shall enforce this Act and the regulations in the municipality.

Idem

(2) Every local municipality to which subsection 1 applies that is within a county for municipal purposes shall, for the purposes of this Act, cease to form part of the county for municipal purposes.

Appoint-  
ment and  
duties of  
inspectors,  
counties

6. The council of every county shall appoint one or more inspectors who shall enforce this Act and the regulations in the local municipalities that, for the purposes of this Act, form part of the county for municipal purposes.



**7.—**(1) The councils of two or more municipalities may enter into an agreement under which the inspector or inspectors of one of them will enforce this Act and the regulations in the other or others upon such terms and conditions as are agreed upon. Appointment and duties of inspectors, joint agreements

(2) Where a local municipality that enters into an agreement under subsection 1 is within a county for municipal purposes, it shall, for the purposes of this Act, upon notice to the county, cease to form part of the county for municipal purposes so long as the agreement is in effect. Idem

**8.** Any local municipality that forms part of a county for municipal purposes may, upon notice to the county, withdraw for the purposes of this Act from the county, and thereupon the council of the local municipality shall appoint one or more persons as inspectors who shall enforce this Act and the regulations in the municipality. Appointment of inspectors, upon withdrawal from county

**9.** The notice mentioned in sections 7 and 8 shall be given at least three months before the end of a year and is effective on the 1st day of January of the year next following. Idem

**10.** When a municipal inspector is appointed or his appointment is terminated, the clerk of the municipality shall, within seven days thereafter, notify the Deputy Minister of the name and address of the inspector and the date of his appointment or the date of the termination of his appointment, as the case may be. Notification of appointment and termination

**11.—**(1) There shall be issued to every inspector a certificate of appointment signed by the clerk of the municipality or the Deputy Minister, as the case may be. Certificate of appointment

(2) When carrying out any of his duties under this Act, an inspector shall produce his certificate of appointment, if such is requested. Production of certificate

**12.** An inspector may enter any land or premises at any reasonable time for the purpose of carrying out any of his duties under this Act. Power of entry

**13.—**(1) An inspector for the purpose of carrying out his duties under this Act may require the production of the drawings and specifications of a project or any part thereof, and may inspect the same and may require information from any person concerning the same. Power to require information

(2) No person shall neglect or refuse to produce drawings and specifications as required by an inspector under subsection. False information etc.

tion 1, and no person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector under subsection 1.

Obstructing

**14.** No person shall obstruct an inspector in the exercise of his duties under this Act.

Duty of  
employer to  
facilitate  
inspections

**15.** Every employer of workmen on a project and the workmen shall furnish all necessary means in his or their power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act.

Annual  
reports by  
municipal  
inspectors

**16.** Every municipal inspector, or, where there is more than one, the senior in appointment, shall prepare and submit to his council, or, where an agreement under section 7 is in effect, to the councils of the municipalities who are parties to the agreement, a report on or before the 31st day of January of each year in respect of the previous calendar year, and such report shall contain,

- (a) the number of inspectors employed by the municipality;
- (b) the number of inspections made;
- (c) the number of informations laid for offences under this Act;
- (d) the nature of such offences and the number of convictions made with respect thereto and the penalties imposed;
- (e) the number of persons fatally injured on projects and the causes of such fatalities;
- (f) the number of orders made under section 17 and the number of work stoppages ordered;
- (g) such other matters as are prescribed.

Stop-work  
orders

**17.—(1)** Where an inspector is of opinion that any provision of this Act or the regulations is being contravened, he may give to the person whom he believes to be the contravener such order in writing as he deems necessary to ensure compliance with this Act and the regulations, and such order shall specify that it shall be carried out forthwith or before the expiry of such period as is specified therein, and,

- (a) where the order specifies that it be carried out forthwith, all work on the project or the part thereof

specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with; or

- (b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with.

(2) Where an inspector gives an order under subsection 1, <sup>Posting of copy</sup> he may affix a copy thereof to the project or any part thereof, and no person, except the inspector, shall remove such copy unless authorized by the inspector.

(3) Every person to whom an order is given and who fails <sup>Penalty</sup> to comply with it in accordance with its terms is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for every day upon which the contravention continues.

18. Every employer of workmen on a project shall take <sup>Duty of employers</sup> every precaution that is reasonable in the circumstances to ensure their safety.

19. Every workman on a project who, <sup>Offences by workmen</sup>

- (a) by his conduct endangers his safety or that of other persons; or
- (b) fails to use or wear protective devices or clothing when required by his employer,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

20.—(1) Where a workman on a project is killed or is <sup>Fatal accidents</sup> seriously injured, his employer shall immediately notify an inspector by telephone, telegram or in person of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence.

(2) Where a person on a project is killed or is seriously <sup>Disturbance of wreckage</sup> injured, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy or carry away or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector.

Municipal  
by-laws,  
conflict, etc.

**21.** Nothing in this Act affects any authority that a municipality has to pass by-laws relating to matters mentioned in this Act or the regulations or affects any such by-law in so far as the by-law imposes additional or more stringent requirements than those imposed by this Act or the regulations, and, in the event of conflict between any of the provisions of a by-law and any of the provisions of this Act and the regulations, this Act and the regulations prevail.

General  
penalty

**22.** Every person who contravenes any provision of this Act or the regulations is guilty of an offence under this Act and on summary conviction, where a penalty for such offence is not otherwise provided, is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both.

Disposition  
of fines,  
municipalities

**23.—(1)** Every fine collected for an offence under this Act that was committed in a municipality shall be paid over to the treasurer of the municipality whose inspector laid the information for the offence.

Idem,  
unorganized  
territory

**(2)** Every fine collected for an offence under this Act that was committed in territory without municipal organization shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund.

Regulations

**24.—(1)** The Lieutenant Governor in Council may make such regulations as are considered necessary or advisable to ensure the safety of workmen on projects.

Idem

**(2)** Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

- (a)** defining any expression used in this Act or the regulations;
- (b)** prescribing standards of qualifications of inspectors;
- (c)** prescribing matters, in addition to those set out in section 16, that shall be included in the annual reports of municipal inspectors;
- (d)** requiring and prescribing the notices in one or more languages that shall be posted on projects by the owners thereof or the employers of workmen thereon;
- (e)** prescribing the records that shall be kept by employers;
- (f)** prescribing forms and providing for their use.

**25.** This Act comes into force on a day to be named by <sup>Commence-</sup>  
the Lieutenant Governor by his proclamation. <sub>ment</sub>

**26.** This Act may be cited as *The Construction Safety Act*, <sup>Short title</sup>  
1961-62.





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*1st Reading*

April 4th, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

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MR. WARRENDER

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*(Reprinted as amended by the  
Committee on Labour)*



## **BILL 162**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**Act to provide for the Safety of Workmen during the  
Construction, Alteration, Repair or Demolition of  
Buildings and Other Structures**

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**MR. WARRENDER**

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of the  
County

Column  
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Page

## BILL 162

1961-62

**An Act to provide for the Safety of Workmen during the Construction, Alteration, Repair or Demolition of Buildings and Other Structures**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

**Interpre-  
tation**

- (a) "Deputy Minister" means the Deputy Minister of Labour;
- (b) "inspector" means a person appointed by the Lieutenant Governor in Council or by the council of a municipality for the purposes of this Act;
- (c) "local municipality" means a city, town, village, township or improvement district;
- (d) "municipality" means a county, city, town, village, township or improvement district;
- (e) "prescribed" means prescribed by the regulations;
- (f) "project" means a building or other structure, including the appurtenances thereto, that is being constructed, altered, repaired or demolished;
- (g) "regulations" means the regulations made under this Act;
- (h) "safety" means freedom from bodily injury or freedom from damage to health.

**2.** Subject to section 3, this Act and the regulations apply <sup>Where Act applies</sup> to every project, including any project of the Crown or of any agency of the Crown or of any municipality as defined in *The Department of Municipal Affairs Act*.

Where Act  
does not  
apply

3. This Act and the regulations do not apply to a project,  
(a) while the work is being done solely by the owner  
in person;

R.S.O. 1960,  
c. 241

(b) to which *The Mining Act* applies; or

(c) that is situate on a farm and that is to be used or is  
used only for farming purposes.

Appoint-  
ment and  
duties of  
inspectors,  
provincial

4. The Lieutenant Governor in Council shall appoint one  
or more persons as inspectors who shall,

(a) when requested, advise and assist municipal officials  
in the selection of suitable persons for appointment  
as municipal inspectors;

(b) when requested, instruct, advise and assist municipal  
inspectors in the carrying out of their duties under  
this Act; and

(c) enforce this Act and the regulations in territory  
without municipal organization.

Appoint-  
ment and  
duties of  
inspectors,  
cities, etc.

5.—(1) The council,

(a) of every local municipality that has a population of  
more than 50,000 according to the last municipal  
census;

(b) of every city and every separated town;

(c) of every local municipality not mentioned in clause *a*  
or *b* that is in a territorial district; and

(d) of every area municipality in The Municipality of  
Metropolitan Toronto,

shall appoint one or more persons as inspectors who shall  
enforce this Act and the regulations in the municipality.

Idem

(2) Every local municipality to which subsection 1 applies  
that is within a county for municipal purposes shall, for the  
purposes of this Act, cease to form part of the county for  
municipal purposes.

Appoint-  
ment and  
duties of  
inspectors,  
counties

6. The council of every county shall appoint one or more  
inspectors who shall enforce this Act and the regulations in  
the local municipalities that, for the purposes of this Act,  
form part of the county for municipal purposes.

**7.—(1)** The councils of two or more municipalities may enter into an agreement under which the inspector or inspectors of one of them will enforce this Act and the regulations in the other or others upon such terms and conditions as are agreed upon. Appointment and duties of inspectors, joint agreements

**(2)** Where a local municipality that enters into an agreement under subsection 1 is within a county for municipal purposes, it shall, for the purposes of this Act, upon notice to the county, cease to form part of the county for municipal purposes so long as the agreement is in effect. Idem

**8.** Any local municipality that forms part of a county for municipal purposes may, upon notice to the county, withdraw for the purposes of this Act from the county, and thereupon the council of the local municipality shall appoint one or more persons as inspectors who shall enforce this Act and the regulations in the municipality. Appointment of inspectors, upon withdrawal from county

**9.** The notice mentioned in sections 7 and 8 shall be given at least three months before the end of a year and is effective on the 1st day of January of the year next following. Idem

**10.** When a municipal inspector is appointed or his appointment is terminated, the clerk of the municipality shall, within seven days thereafter, notify the Deputy Minister of the name and address of the inspector and the date of his appointment or the date of the termination of his appointment, as the case may be. Notification of appointment and termination

**11.—(1)** There shall be issued to every inspector a certificate of appointment signed by the clerk of the municipality or the Deputy Minister, as the case may be. Certificate of appointment

**(2)** When carrying out any of his duties under this Act, an inspector shall produce his certificate of appointment, if such is requested. Production of certificate

**12.** An inspector may enter any land or premises at any reasonable time for the purpose of carrying out any of his duties under this Act. Power of entry

**13.—(1)** An inspector for the purpose of carrying out his duties under this Act may require the production of the drawings and specifications of a project or any part thereof, and may inspect the same and may require information from any person concerning the same. Power to require information

**(2)** No person shall neglect or refuse to produce drawings and specifications as required by an inspector under subsection. False information etc.

tion 1, and no person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector under subsection 1.

Obstructing

**14.** No person shall obstruct an inspector in the exercise of his duties under this Act.

Duty of employer to facilitate inspections

**15.** Every employer of workmen on a project and the workmen shall furnish all necessary means in his or their power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act.

Annual reports by municipal inspectors

**16.** Every municipal inspector, or, where there is more than one, the senior in appointment, shall prepare and submit to his council, or, where an agreement under section 7 is in effect, to the councils of the municipalities who are parties to the agreement, a report on or before the 31st day of January of each year in respect of the previous calendar year, and such report shall contain,

- (a) the number of inspectors employed by the municipality;
- (b) the number of inspections made;
- (c) the number of informations laid for offences under this Act;
- (d) the nature of such offences and the number of convictions made with respect thereto and the penalties imposed;
- (e) the number of persons fatally injured on projects and the causes of such fatalities;
- (f) the number of orders made under section 17 and the number of work stoppages ordered;
- (g) such other matters as are prescribed.

Stop-work orders

**17.—(1)** Where an inspector is of opinion that any provision of this Act or the regulations is being contravened, he may give to the person whom he believes to be the contravener such order in writing as he deems necessary to ensure compliance with this Act and the regulations, and such order shall specify that it shall be carried out forthwith or before the expiry of such period as is specified therein, and,

- (a) where the order specifies that it be carried out forthwith, all work on the project or the part thereof

specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with; or

- (b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with.

(2) Where an inspector gives an order under subsection 1, <sup>Posting of copy</sup> he may affix a copy thereof to the project or any part thereof, and no person, except the inspector, shall remove such copy unless authorized by the inspector.

(3) Every person to whom an order is given and who fails <sup>Penalty</sup> to comply with it in accordance with its terms is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for every day upon which the contravention continues.

18. Every employer of workmen on a project shall take <sup>Duty of employers</sup> every precaution that is reasonable in the circumstances to ensure their safety.

19. Every workman on a project who,

<sup>Offences by workmen</sup>

- (a) by his conduct endangers his safety or that of other persons; or
- (b) fails to use or wear protective devices or clothing when required by his employer,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

20.—(1) Where a workman on a project is killed or is <sup>Fatal accidents</sup> seriously injured, his employer shall immediately notify an inspector by telephone, telegram or in person of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence.

(2) Where a person on a project is killed or is seriously <sup>Disturbance of wreckage</sup> injured, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy or carry away or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector.

Municipal  
by-laws,  
conflict, etc.

**21.** Nothing in this Act affects any authority that a municipality has to pass by-laws relating to matters mentioned in this Act or the regulations or affects any such by-law in so far as the by-law imposes additional or more stringent requirements than those imposed by this Act or the regulations, and, in the event of conflict between any of the provisions of a by-law and any of the provisions of this Act and the regulations, this Act and the regulations prevail.

General  
penalty

**22.** Every person who contravenes any provision of this Act or the regulations is guilty of an offence under this Act and on summary conviction, where a penalty for such offence is not otherwise provided, is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both.

Disposition  
of fines,  
municipalities

**23.—(1)** Every fine collected for an offence under this Act that was committed in a municipality shall be paid over to the treasurer of the municipality whose inspector laid the information for the offence.

Idem,  
unorganized  
territory

**(2)** Every fine collected for an offence under this Act that was committed in territory without municipal organization shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund.

Regulations

**24.—(1)** The Lieutenant Governor in Council may make such regulations as are considered necessary or advisable to ensure the safety of workmen on projects.

Idem

**(2)** Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

- (a) defining any expression used in this Act or the regulations;
- (b) prescribing standards of qualifications of inspectors;
- (c) prescribing matters, in addition to those set out in section 16, that shall be included in the annual reports of municipal inspectors;
- (d) requiring and prescribing the notices in one or more languages that shall be posted on projects by the owners thereof or the employers of workmen thereon;
- (e) prescribing the records that shall be kept by employers;
- (f) prescribing forms and providing for their use.



**25.** This Act comes into force on a day to be named by <sup>Commence-</sup>  
the Lieutenant Governor by his proclamation.<sub>ment</sub>

**26.** This Act may be cited as *The Construction Safety Act*, Short title  
1961-62.

2001-2002

2003-2004

2005-2006

2007-2008

2009-2010

2011-2012

2013-2014

2015-2016

2017-2018



men during the Construction, Alteration,  
Repair or Demolition of Buildings  
and Other Structures

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*1st Reading*

April 4th, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 18th, 1962

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MR. WARRENDER

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## **BILL 163**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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**An Act respecting a Certain Dispute between The Hydro-  
Electric Power Commission of Ontario and The Ontario  
Hydro Employees' Union, N.U.P.S.E., C.L.C.**

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MR. ROBARTS

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Act responsible  
Electric Power  
Hydro-Electric

BILL 163

1961-62

**An Act respecting a Certain Dispute between  
The Hydro-Electric Power Commission of  
Ontario and The Ontario Hydro  
Employees' Union, N.U.P.S.E., C.L.C.**

**W**HEREAS The Hydro-Electric Power Commission of <sup>Preamble</sup>  
Ontario and The Ontario Hydro Employees' Union,  
N.U.P.S.E., C.L.C., have been parties to several collective  
agreements, the latest of which has expired;

AND WHEREAS the Commission and the Union have  
bargained for a new collective agreement and to that end  
have exhausted conciliation services under *The Labour Rela-* <sup>R.S.O. 1960,  
c. 202</sup>  
*tions Act*;

AND WHEREAS the terms of the new collective agreement  
remain unsettled;

AND WHEREAS the public interest requires that means  
be found for the settlement of all issues between the Com-  
mission and the Union in order that a new collective agree-  
ment may be consummated;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

Interpre-  
tation

**1. In this Act,**

- (a) "collective agreement" has the same meaning as in  
*The Labour Relations Act*;
- (b) "Commission" means The Hydro-Electric Power  
Commission of Ontario;
- (c) "lock-out" has the same meaning as in *The Labour  
Relations Act*;
- (d) "person" includes the Union;

R.S.O. 1960,  
c. 202

(e) "strike" has the same meaning as in *The Labour Relations Act*;

(f) "Union" means The Ontario Hydro Employees' Union, N.U.P.S.E., C.L.C.

Appointment  
of arbitrator

**2.**—(1) The Lieutenant Governor in Council shall appoint an arbitrator to examine into and decide all matters in issue between the Commission and the Union that may be raised by either of them and that appear to the arbitrator to be necessary to be decided in order to conclude a collective agreement between the Commission and the Union.

Powers of  
arbitrator

(2) The arbitrator shall have all the powers of an arbitrator under *The Labour Relations Act*.

R.S.O. 1960,  
c. 18, not  
to apply

(3) *The Arbitrations Act* does not apply to the arbitration under this Act.

Decision  
binding

**3.**—(1) The decision of the arbitrator under this Act shall be binding upon the Commission and the Union and the employees on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act*.

Agreement  
to be made

(2) Upon receipt of the decision of the arbitrator under this Act, the Commission and the Union shall consummate a collective agreement incorporating therein the terms of such decision.

Enforcement  
of decision

(3) Where the Commission or the Union has failed to comply with any of the terms of the decision of the arbitrator under this Act, the Commission or the Union, as the case may be, may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Costs

**4.** The Commission and the Union shall assume its own costs of the arbitration proceedings and shall share equally the cost of the arbitrator.

Lock-outs  
and strikes  
prohibited

**5.**—(1) Notwithstanding any other Act, the Commission shall not call or authorize a lock-out of any employee on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act*, and the Union shall not call or authorize a strike of any such employees, and no



officer, official or agent of either the Commission or the Union shall counsel, procure, support or encourage any such lock-out or strike.

(2) Notwithstanding any other Act, no employee on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act* shall strike. Idem  
R.S.O. 1960,  
c. 202

(3) Every person who at the commencement of this Act was authorized on behalf of the Union to call or authorize a strike of any of the employees of the Commission shall forthwith give notice to such employees that any call, authorization or direction to go on strike given to them before the commencement of this Act has been suspended by reason of the coming into force of this Act. Suspension  
of strike  
notice

**6.—**(1) Every person who calls or authorizes or counsels, procures, supports or encourages a lock-out or strike contrary to this Act or who fails to give the notice mentioned in subsection 3 of section 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000 for each day or part of a day during which the lock-out or strike exists. Offences  
and  
penalties

(2) Every person who engages in a lock-out or strike contrary to this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50 for each day or part of a day during which the lock-out or strike exists. Idem

**7.** No prosecution shall be instituted under this Act without the consent of the Ontario Labour Relations Board. Consent to  
prosecute

**8.** Every fine recovered for an offence under this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. Disposition  
of fines

**9.** This Act comes into force on the day it receives Royal Assent and is repealed on the day on which a new collective agreement between the Commission and the Union commences to operate. Commence-  
ment

**10.** This Act may be cited as *The Ontario Hydro—Employees' Union Dispute Act, 1961-62*. Short title

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An Act respecting a Certain Dispute  
Commission of Ontario and The Ontario  
Hydro Employees' Union,  
N.U.P.S.E., C.L.C.

---

*1st Reading*

April 4th, 1962

*2nd Reading*

*3rd Reading*

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MR. ROBARTS

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## BILL 163

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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**An Act respecting a Certain Dispute between The Hydro-  
electric Power Commission of Ontario and The Ontario  
Hydro Employees' Union, N.U.P.S.E., C.L.C.**

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MR. ROBARTS

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*(Reprinted as amended by the Committee of the Whole House)*



BILL 163

1961-62

**An Act respecting a Certain Dispute between  
The Hydro-Electric Power Commission of  
Ontario and The Ontario Hydro  
Employees' Union, N.U.P.S.E., C.L.C.**

**W**HEREAS The Hydro-Electric Power Commission of <sup>Preamble</sup>  
Ontario and The Ontario Hydro Employees' Union,  
N.U.P.S.E., C.L.C., have been parties to several collective  
agreements, the latest of which has expired;

**AND WHEREAS** the Commission and the Union have bar-  
gained for a new collective agreement and to that end have  
exhausted conciliation services under *The Labour Relations* <sup>R.S.O. 1960,  
c. 202</sup>  
*Act*;

**AND WHEREAS** the terms of the new collective agreement  
remain unsettled;

**AND WHEREAS** the public interest requires that means  
be found for the settlement of all issues between the Com-  
mission and the Union in order that a new collective agree-  
ment may be consummated;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

Interpre-  
tation

**1. In this Act,**

- (a) "collective agreement" has the same meaning as in  
*The Labour Relations Act*;
- (b) "Commission" means The Hydro-Electric Power  
Commission of Ontario;
- (c) "lock-out" has the same meaning as in *The Labour  
Relations Act*;
- (d) "person" includes the Union;

R.S.O. 1960,  
c. 202

(e) "strike" has the same meaning as in *The Labour Relations Act*;

(f) "Union" means The Ontario Hydro Employees' Union, N.U.P.S.E., C.L.C.

Appointment  
of arbitrator

2.—(1) The Lieutenant Governor in Council shall appoint an arbitrator to examine into and decide all matters that were in dispute between the Commission and the Union on the 24th day of August, 1961, and such other matters as the Commission and the Union may agree upon and that appear to the arbitrator to be necessary to be decided in order to conclude a collective agreement between the Commission and the Union.

Powers of  
arbitrator

(2) The arbitrator shall have all the powers of an arbitrator under *The Labour Relations Act*, and the arbitrator shall remain seized of and may deal with all matters referred to in subsection 1 until a new collective agreement between the Commission and the Union has been consummated under this Act.

R.S.O. 1960,  
c. 18, not  
to apply

(3) *The Arbitrations Act* does not apply to the arbitration under this Act.

Decision  
binding

3.—(1) The decision of the arbitrator under this Act shall be binding upon the Commission and the Union and the employees on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act*.

Agreement  
to be made

(2) Upon receipt of the decision of the arbitrator under this Act, the Commission and the Union shall consummate a collective agreement incorporating therein the terms of such decision.

Enforcement  
of decision

(3) Where the Commission or the Union has failed to comply with any of the terms of the decision of the arbitrator under this Act, the Commission or the Union, as the case may be, may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Costs

4. The Commission and the Union shall assume its own costs of the arbitration proceedings, and the cost of the arbitrator shall be paid out of the Consolidated Revenue Fund.



5.—(1) Notwithstanding any other Act, the Commission shall not call or authorize a lock-out of any employee on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act*, and the Union shall not call or authorize a strike of any such employees, and no officer, official or agent of either the Commission or the Union shall counsel, procure, support or encourage any such lock-out or strike. Lock-outs and strikes prohibited

(2) Notwithstanding any other Act, no employee on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act* shall strike. Idem  
R.S.O. 1960,  
c. 202

(3) Every person who at the commencement of this Act was authorized on behalf of the Union to call or authorize a strike of any of the employees of the Commission shall forthwith give notice to such employees that any call, authorization or direction to go on strike given to them before the commencement of this Act has been suspended by reason of the coming into force of this Act. Suspension of strike notice

(4) So long as this Act is in force, the Commission shall not, except with the consent of the Union, alter the rates of wages or any other term or condition of employment of the employees on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act* that were in effect when this Act came into force. Working conditions may not be altered

6.—(1) Every person who calls or authorizes or counsels, procures, supports or encourages a lock-out or strike contrary to this Act or who fails to give the notice mentioned in subsection 3 of section 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000 for each day or part of a day during which the lock-out or strike exists. Offences and penalties

(2) Every person who engages in a lock-out or strike contrary to this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50 for each day or part of a day during which the lock-out or strike exists. Idem

7. No prosecution shall be instituted under this Act without the consent of the Ontario Labour Relations Board. Consent to prosecute

8. Every fine recovered for an offence under this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. Disposition of fines

Commence-  
ment

**9.** This Act comes into force on the day it receives Royal Assent and is repealed on the day on which a new collective agreement between the Commission and the Union commences to operate.

Short title

**10.** This Act may be cited as *The Ontario Hydro-Employees' Union Dispute Act, 1961-62*.

14 Bouslog

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between The Hydro-Electric Power  
Commission of Ontario and The Ontario  
Hydro Employees' Union,  
N.U.P.S.E., C.L.C.

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*1st Reading*

April 4th, 1962

*2nd Reading*

April 5th, 1962

*3rd Reading*

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MR. ROBARTS

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*(Reprinted as amended by the  
Committee of the Whole House)*

# **BILL 163**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting a Certain Dispute between The Hydro-  
Electric Power Commission of Ontario and The Ontario  
Hydro Employees' Union, N.U.P.S.E., C.L.C.**

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**MR. ROBERTS**

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BILL 163

1961-62

**An Act respecting a Certain Dispute between  
The Hydro-Electric Power Commission of  
Ontario and The Ontario Hydro  
Employees' Union, N.U.P.S.E., C.L.C.**

**W**HEREAS The Hydro-Electric Power Commission of <sup>Preamble</sup> Ontario and The Ontario Hydro Employees' Union, N.U.P.S.E., C.L.C., have been parties to several collective agreements, the latest of which has expired;

AND WHEREAS the Commission and the Union have bargained for a new collective agreement and to that end have exhausted conciliation services under *The Labour Relations Act*; <sup>R.S.O. 1960, c. 202</sup>

AND WHEREAS the terms of the new collective agreement remain unsettled;

AND WHEREAS the public interest requires that means be found for the settlement of all issues between the Commission and the Union in order that a new collective agreement may be consummated;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-  
tation

**1. In this Act,**

- (a) "collective agreement" has the same meaning as in *The Labour Relations Act*;
- (b) "Commission" means The Hydro-Electric Power Commission of Ontario;
- (c) "lock-out" has the same meaning as in *The Labour Relations Act*;
- (d) "person" includes the Union;

R.S.O. 1960,  
c. 202

(e) "strike" has the same meaning as in *The Labour Relations Act*;

(f) "Union" means The Ontario Hydro Employees' Union, N.U.P.S.E., C.L.C.

Appointment  
of arbitrator

2.—(1) The Lieutenant Governor in Council shall appoint an arbitrator to examine into and decide all matters that were in dispute between the Commission and the Union on the 24th day of August, 1961, and such other matters as the Commission and the Union may agree upon and that appear to the arbitrator to be necessary to be decided in order to conclude a collective agreement between the Commission and the Union.

Powers of  
arbitrator

(2) The arbitrator shall have all the powers of an arbitrator under *The Labour Relations Act*, and the arbitrator shall remain seized of and may deal with all matters referred to in subsection 1 until a new collective agreement between the Commission and the Union has been consummated under this Act.

R.S.O. 1960,  
c. 18, not  
to apply

(3) *The Arbitrations Act* does not apply to the arbitration under this Act.

Decision  
binding

3.—(1) The decision of the arbitrator under this Act shall be binding upon the Commission and the Union and the employees on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act*.

Agreement  
to be made

(2) Upon receipt of the decision of the arbitrator under this Act, the Commission and the Union shall consummate a collective agreement incorporating therein the terms of such decision.

Enforcement  
of decision

(3) Where the Commission or the Union has failed to comply with any of the terms of the decision of the arbitrator under this Act, the Commission or the Union, as the case may be, may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Costs

4. The Commission and the Union shall assume its own costs of the arbitration proceedings, and the cost of the arbitrator shall be paid out of the Consolidated Revenue Fund.



5.—(1) Notwithstanding any other Act, the Commission shall not call or authorize a lock-out of any employee on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act*, and the Union shall not call or authorize a strike of any such employees, and no officer, official or agent of either the Commission or the Union shall counsel, procure, support or encourage any such lock-out or strike. Lock-outs and strikes prohibited

(2) Notwithstanding any other Act, no employee on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act* shall strike. Idem R.S.O. 1960, c. 202

(3) Every person who at the commencement of this Act was authorized on behalf of the Union to call or authorize a strike of any of the employees of the Commission shall forthwith give notice to such employees that any call, authorization or direction to go on strike given to them before the commencement of this Act has been suspended by reason of the coming into force of this Act. Suspension of strike notice

(4) So long as this Act is in force, the Commission shall not, except with the consent of the Union, alter the rates of wages or any other term or condition of employment of the employees on whose behalf the Union is entitled to bargain with the Commission under *The Labour Relations Act* that were in effect when this Act came into force. Working conditions may not be altered

6.—(1) Every person who calls or authorizes or counsels, procures, supports or encourages a lock-out or strike contrary to this Act or who fails to give the notice mentioned in subsection 3 of section 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$1,000 for each day or part of a day during which the lock-out or strike exists. Offences and penalties

(2) Every person who engages in a lock-out or strike contrary to this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50 for each day or part of a day during which the lock-out or strike exists. Idem

7. No prosecution shall be instituted under this Act without the consent of the Ontario Labour Relations Board. Consent to prosecute

8. Every fine recovered for an offence under this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. Disposition of fines

Commence-  
ment

**9.** This Act comes into force on the day it receives Royal Assent and is repealed on the day on which a new collective agreement between the Commission and the Union commences to operate.

Short title

**10.** This Act may be cited as *The Ontario Hydro-Employees' Union Dispute Act, 1961-62*.

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between The Hydro-Electric Power  
Commission of Ontario and The Ontario  
Hydro Employees' Union,  
N.U.P.S.E., C.I.C.

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*1st Reading*

April 4th, 1962

*2nd Reading*

April 5th, 1962

*3rd Reading*

April 5th, 1962

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MR. ROBARTS

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# **BILL 164**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Teachers' Superannuation Act**

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**MR. ROBARTS**

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#### EXPLANATORY NOTES

SECTION 1. The cheque-signing formalities are divorced from the Treasury Department to facilitate administration.

SECTION 2. Self-explanatory. Clause *b* is new.

## BILL 164

1961-62

**An Act to amend  
The Teachers' Superannuation Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 15 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 392, s. 15,  
subs. 1,  
re-enacted

- (1) Every allowance, every refund, and the expenses of the administration of this Act, are payable out of the Fund, and every such payment shall be made by cheque of the Commission signed by any two of, Payments  
out of  
Fund
- (a) the chairman of the Commission;
  - (b) a member of the Commission designated by the Commission for the purpose;
  - (c) the secretary of the Commission,

and any such signature may be affixed to any such cheque by use of a rubber stamp or by printing, lithographing, engraving or by other mechanical means.

**2.** Subsection 3 of section 48 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 392, s. 48,  
subs. 3,  
re-enacted

- (3) A person who has credit in the Fund,
- (a) for fifteen or more school years; or
  - (b) for five or more years after attaining the age of fifty-five years,

Refunds  
for persons  
forced to  
retire  
because  
of age

and who, because he has reached the age limit specified in a by-law or resolution of the board or other authority that employed him, was retired before

he was entitled to an allowance under this Act is entitled to a refund of an amount equal to the amount of his contributions in the Fund with interest to the date of refund at the rate of 4 per cent per annum compounded half-yearly.

R.S.O. 1960,  
c. 392, s. 58,  
par. 27,  
re-enacted

**3.** Paragraph 27 of section 58 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

27. defining active service and special war service, providing for credits under this Act in respect of active service or special war service, and prescribing the terms and conditions upon which such credits may be given, the method of determining the periods for which such credits may be given, and the amount thereof.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Teachers' Superannuation Amendment Act, 1961-62*.



**SECTION 3.** The present powers to make regulations with respect to active service and special war service are clarified. No change in principle.



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An Act to amend  
The Teachers' Superannuation Act

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*1st Reading*

April 5th, 1962

*2nd Reading*

*3rd Reading*

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MR. ROBARTS

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# **BILL 164**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO.  
10-11 ELIZABETH II, 1961-62

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## **An Act to amend The Teachers' Superannuation Act**

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MR. ROBARTS

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An Act to amend

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## BILL 164

1961-62

## An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 15 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 392, s. 15,  
subs. 1,  
re-enacted

- (1) Every allowance, every refund, and the expenses of the administration of this Act, are payable out of the Fund, and every such payment shall be made by cheque of the Commission signed by any two of,
- (a) the chairman of the Commission;
  - (b) a member of the Commission designated by the Commission for the purpose;
  - (c) the secretary of the Commission,

and any such signature may be affixed to any such cheque by use of a rubber stamp or by printing, lithographing, engraving or by other mechanical means.

2. Subsection 3 of section 48 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 392, s. 48,  
subs. 3,  
re-enacted

- (3) A person who has credit in the Fund,
- (a) for fifteen or more school years; or
  - (b) for five or more years after attaining the age of fifty-five years,

Refunds  
for persons  
forced to  
retire  
because  
of age

and who, because he has reached the age limit specified in a by-law or resolution of the board or other authority that employed him, was retired before

he was entitled to an allowance under this Act is entitled to a refund of an amount equal to the amount of his contributions in the Fund with interest to the date of refund at the rate of 4 per cent per annum compounded half-yearly.

R.S.O. 1960,  
c. 392, s. 58,  
par. 27,  
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**3.** Paragraph 27 of section 58 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

27. defining active service and special war service, providing for credits under this Act in respect of active service or special war service, and prescribing the terms and conditions upon which such credits may be given, the method of determining the periods for which such credits may be given, and the amount thereof.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Teachers' Superannuation Amendment Act, 1961-62*.





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April 24th 1905  
1st Reading

An Act to amend  
The Teachers' Superannuation Act

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*1st Reading*

April 5th, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 17th, 1962

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MR. ROBARTS

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## **BILL 165**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act to provide for the Extension, Improvement and  
Solvency of Pension Plans and the Portability  
of Pension Benefits**

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**MR. ROBARTS**

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#### EXPLANATORY NOTES

This Bill is recommended by the Ontario Committee on Portable Pensions.

SECTION 1—Clause (a). It is contemplated that a Central Pension Agency will be established by the Parliament of Canada. The function of the Central Pension Agency is described in the Second Report of the Ontario Committee on Portable Pensions.

Clause (b). Self-explanatory.

Clauses (c) and (d). The definitions of "employee" and "eligible employee" are of particular importance with reference to the provisions of section 16 (1) (a) and (b). An employee may qualify as an eligible employee only if he works in Ontario for a period of not less than 6 consecutive months. He will qualify as an eligible employee if he has attained the age of 30 years and is a member of a mandatory group. It is intended that, after an employee has qualified under the 6-month service rule, he shall be required to become a member of the pension plan covering his mandatory group. If he then remains in service for a further period of 12 months, his pension benefit credits will accrue from the date upon which he became a member of the pension plan. The provision that an employee must be in service for a continuous period of not less than 6 months is intended to exclude seasonal workers from the definition of "employee".

Clause (e). Self-explanatory.

**An Act to provide for the Extension, Improvement and Solvency of Pension Plans and the Portability of Pension Benefits**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation:

- (a) "Central Pension Agency" means the Central Pension Agency established by the Parliament of Canada for the purposes of this Act;
- (b) "Commission" means the Pension Commission of Ontario;
- (c) "eligible employee" means an employee who has attained the age of thirty years and who is a member of a mandatory group, but does not include an employee engaged in excepted employment as prescribed by the regulations; and "eligible employment" means employment as an eligible employee;
- (d) "employee" means an individual who performs service in Ontario on a full-time or part-time basis for a continuous period of not less than six months in any period of twelve months, under a written or oral contract of hiring, of service or of apprenticeship, and includes an officer of a corporation;
- (e) "employer" means,
  - (i) in relation to any employee, the person, partnership, firm, association, institution or other unincorporated organization or corporation wherever incorporated carrying on business in Ontario from whom the employee receives his salary, wages, commission, pay or allowances, and

- (ii) in relation to a mandatory group, a person, partnership, firm, association, institution or other unincorporated organization or corporation wherever incorporated carrying on business in Ontario who employs a mandatory group,

and includes Her Majesty in right of Canada, Her Majesty in right of Ontario, an agent of Her Majesty or a local board as defined in *The Department of Municipal Affairs Act*;

R.S.O. 1960,  
c. 98

- (f) "mandatory group" means a group of fifteen or more employees,

- (i) employed by the same employer or by two or more employers who are not or would be deemed not to deal with each other at arm's length under section 1 of *The Corporations Tax Act*, or

R.S.O. 1960,  
c. 73

- (ii) employed by a trade association or other group of employers with which the employees have entered into a master contract governing rates of pay and conditions of work,

and "non-mandatory group" means a group of fewer than fifteen employees who are so employed;

- (g) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;

- (h) "pension benefit" means the aggregate annual, monthly or other periodic amounts to which an eligible employee will become entitled at the retirement age under a pension plan; and "pension benefit credit" means the value at a particular time of the pension benefits to which an eligible employee has become irrevocably entitled;

- (i) "pension plan" means a superannuation or pension fund or plan organized and administered to provide a pension benefit for employees, and includes,

- (i) a unit benefit plan under which pension benefits are determined with reference to the salary or wages of an employee for each year of service, or for a selected number of years of service,



Clause (f). In determining the number of members of a group of employees, all employees as defined are counted. A mandatory group may have fewer than 15 eligible employees.

The "arm's length" rule is intended to prevent the splitting of employee groups among related corporations.

Subclause (ii) will, for example, bring under the Act smaller groups of employees of employers who are members of a trade association.

Clause (g). Self-explanatory.

Clause (h). The expression "pension benefit" refers to the periodic pension receivable by an employee at the retirement age provided by the pension plan. The employee may be entitled to a lesser pension in the case of early retirement, but the lesser pension would be the actuarial equivalent of the normal pension at normal retirement.

The term "pension benefit credit" is the amount that is "portable" by an employee when he moves from one employer to another or retires prior to the retirement age permitted under the terms of the pension plan. Sections 16 and 17 provide for the portability of pension benefit credits for both standard and supplementary pension plans.

Clause (i). The particular types of pension plan described by this clause are not exhaustive, but describe the majority of pension plans presently in force.

Clauses (j), (k) and (l). Self-explanatory.

Clause (m). Most existing pension plans provide for pension benefits greater than the minimum pension benefits required to be provided by a standard pension plan under the Act. This definition therefore refers to a pension plan *or part thereof* in order to avoid the splitting of existing pension plans for registration purposes. See section 13 (9).

Clause (n). Self-explanatory.

Clause (o). A supplementary pension plan may be part of a registered plan which provides standard pension benefits, and the part of the plan which provides for the payment of supplementary pension benefits constitutes a supplementary pension plan.

SECTIONS 2, 3, 4, 5 and 6. Self-explanatory.

- (ii) a money purchase plan under which pension benefits are determined at the retirement of an employee with reference to the accumulated amount of the aggregate contributions paid by or for the credit of the employee,
- (iii) a flat benefit plan under which the pension benefits are expressed either as a fixed amount in respect of each year of employment or as a fixed periodic amount, and
- (iv) a deferred profit-sharing pension plan;
- (j) "registered pension plan" means a pension plan that is registered with and certified by the Commission as a plan organized and administered in accordance with Part II of this Act;
- (k) "regulations" means the regulations made under this Act;
- (l) "single life annuity" means an annuity payable to an employee during his lifetime after retirement;
- (m) "standard pension plan" means all or that part of a registered pension plan that provides for payments of the pension benefits required to be provided by subsection 1 of section 16;
- (n) "Superintendent" means the Superintendent of Pensions;
- (o) "supplementary pension plan" means all or that part of a registered pension plan that provides pension benefits for all or any members of a mandatory group apart from the pension benefits provided for the same mandatory group by a standard pension plan.

## PART I

### PENSION COMMISSION

2.—(1) The Pension Commission of Ontario is established to be composed of not fewer than five and not more than nine members as the Lieutenant Governor in Council from time to time determines. Pension Commission established

(2) The members of the Commission shall be appointed by the Lieutenant Governor in Council, one of whom shall be Appoint-ments

designated by the Lieutenant Governor in Council as chairman and one of whom shall be so designated as vice-chairman, and the members of the Commission shall hold office during pleasure.

Acting  
chairman

**3.** In the event of the absence of the chairman and the vice-chairman, such member of the Commission as the members of the Commission designate for such purpose shall act as and have the powers of the chairman.

Vacancies

**4.** The Lieutenant Governor in Council may fill any vacancy that occurs from time to time in the membership of the Commission.

Quorum

**5.** One-half or more of the members of the Commission constitute a quorum.

Terms of  
employment

**6.—(1)** The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, salary ranges and the terms and conditions of employment of the members of its staff.

R.S.O. 1960,  
c. 332,  
applicable

**(2)** *The Public Service Superannuation Act* applies to the permanent members of the staff of the Commission and to those members of the Commission designated by the Lieutenant Governor in Council.

Security

**(3)** Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided

R.S.O. 1960, c. 326, by *The Public Officers Act*.

Function and  
powers of  
Commission

**7.—(1)** It is the function of the Commission and it has power,

- (a) to promote the establishment, extension and improvement of pension plans throughout Ontario;
- (b) to accept for registration all pension plans required to be registered or filed for registration with the Commission under this Act;
- (c) to administer and enforce this Act, and to withdraw pension plan certificates of registration issued in respect of pension plans that,
  - (i) fail to meet the tests for solvency prescribed by the regulations, or
  - (ii) otherwise cease to qualify for registration under this Act;

SECTION 7—Subsection 1. Clauses (a) and (b). Self-explanatory.

Clause (c). The Commission is empowered to disqualify a registered pension plan under the Act if the plan is not maintained in sound financial condition in accordance with the rules prescribed by the regulations, or if the plan is amended in contravention of the rules prescribed by, for example, sections 16, 17 and 18.

Clause (d). Self-explanatory.

Clause (e). The Commission will assess fees for registration and supervision of pension plans as permitted by the regulations.

Clause (f). No statutory provision is presently made in connection with the insurance fund described by clause (f).

Clause (g). Self-explanatory.

Subsection 2. The enactment of uniform pension legislation by all provinces will permit interprovincial reciprocity. Subsection 2 provides for agreements under which portable pension credits may follow an employee from one province to another.

SECTIONS 8, 9, 10 and 11 (1). Self-explanatory.

SECTION 11—Subsection 2. The Advisory Review Committee is established to permit the appointment of qualified representatives of interested groups such as labour and industry to advise the Minister with respect to the administration of the Act and with respect to recommended amendments.

- (d) to conduct surveys and research programmes and to obtain statistics for the purposes of the Commission;
- (e) to assess and retain for the purposes of the Commission fees for the registration and annual supervision of pension plans as prescribed by the regulations;
- (f) to establish or to support the establishment of an insurance fund for the purpose of underwriting pension fund deficiencies arising because of the insolvency of pension funds; and
- (g) to perform such other functions and discharge such other duties as are assigned to it from time to time by the Lieutenant Governor in Council.

(2) The Commission may, subject to the approval of the Lieutenant Governor in Council, enter into agreements with the authorized representatives of other provinces and of the Government of Canada to provide for the reciprocal payment and receipt of amounts as pension benefit credits for the account of employees who change their place of employment and for reciprocal audit and inspection of pension plans. Reciprocal agreements

8.—(1) The Commission shall appoint the Superintendent of Pensions who shall be the chief administrative officer of the Commission. Superintendent of Pensions

(2) The Commission may establish such administrative divisions as appear to be appropriate from time to time. Administrative divisions

9. The moneys required for the purposes of the Commission, in addition to the fees and charges assessed under clause e of subsection 1 of section 7, shall be paid out of the moneys appropriated therefor by the Legislature. Appropriations

10. The books and records of the Commission shall be examined annually by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council designates. Audit

11.—(1) The Commission shall make an annual report of the affairs of the Commission to the Minister. Reports

(2) The Minister shall, in 1970 and at intervals of five years thereafter, appoint a committee of not fewer than five members, to be known as the Advisory Review Committee, to advise and assist the Minister by reporting to him its recommendations for amendments to this Act and to the regulations. Advisory Review Committee

Tabling  
of report

(3) The Minister shall submit the annual report and the report of the Advisory Review Committee to the Lieutenant Governor in Council and shall then lay the reports before the Assembly if it is in session or, if not, at the next ensuing session.

Conflict

**12.** In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails.

## PART II

### REGISTRATION OF PENSION PLANS

Registration  
of pension  
plans

**13.—(1)** Every employer of a mandatory group shall,

- (a) on or before the 1st day of March, 1963, file with the Commission an information return in the prescribed form in respect of every pension plan administered by or on behalf of the employer or the mandatory group at any time after the 31st day of December, 1960, together with a certified true copy of every such plan;
- (b) establish a standard pension plan to become effective not later than the 1st day of January, 1965, by amendment of any pre-existing pension plan or by establishing a new plan, and file a copy of the standard pension plan with the Commission for registration before the 1st day of July, 1964, or as soon thereafter as the Commission requires; and
- (c) after the 31st day of December, 1964, maintain the registered standard pension plan in force as a pension plan qualified for registration under sections 16 and 18.

Supple-  
mentary  
pension  
plans

(2) Every employer of a mandatory group covered by a supplementary pension plan shall,

- (a) file the supplementary pension plan with the Commission for registration before the 1st day of January, 1965, or as soon thereafter as the Commission requires; and
- (b) after the 31st day of December, 1964, while the registered supplementary pension plan remains in force, maintain its qualification for registration as required by sections 17 and 18.



Subsection 3. Self-explanatory.

SECTION 12. Self-explanatory.

SECTION 13—Subsection 1. Clause (a) will enable the Commission to obtain full information concerning existing pension plans. Clause (b) requires the establishment and registration of standard pension plans for all mandatory groups of employees in Ontario on or before January 1, 1965. Clause (c) requires the maintenance of all registered standard pension plans and their continued qualification under the Act on and after January 1, 1965.

Subsection 2. The establishment of supplementary pension plans is permissive. All such plans established must, however, be registered with the Commission and, while in force, be maintained in compliance with the rules prescribed by sections 17 and 18 of the Act.

Subsection 3. This subsection deals with new employers and new mandatory groups established after January 1, 1965.

Subsection 4. Existing pension plans administered by trade unions may qualify for registration under the Act. Subsection 4 provides for the replacement of any registered trade union plan that does not continue to qualify for registration.

Subsections 5 and 6. Pension plans established for non-mandatory groups are not required to be registered, but they must file information returns with the Commission and maintain the standards of solvency required by the regulations.

(3) Where an employer was not the employer of a mandatory group before the 1st day of January, 1965, he shall, within six months after becoming the employer of a mandatory group, Employer of mandatory group after Jan. 1, 1965

- (a) establish a standard pension plan and file the plan with the Commission for registration;
- (b) maintain the registered standard pension plan in force as a pension plan qualified under sections 16 and 18 for registration; and
- (c) file any supplementary pension plan established for the mandatory group for registration, and while such plan remains in force maintain its qualification for registration as required by sections 17 and 18.

(4) Every employer of a mandatory group shall, where the registered standard pension plan is a plan organized and administered by or on behalf of a trade union, cause the plan to be maintained in force as a pension plan qualified under sections 16 and 18 for registration or, where the plan is not so maintained in force, comply with subsection 1 or 3, as the case may be, as if he were the employer of a mandatory group established immediately after the plan ceased to be so maintained in force. Pension plans of trade unions

(5) Every employer of a non-mandatory group covered by a pension plan shall, Registration of non-mandatory plan

- (a) on or before the 1st day of March, 1963, file with the Commission an information return in the prescribed form in respect of every pension plan administered by or on behalf of the employer or the group at any time after the 31st day of December, 1960; and
- (b) after the 31st day of December, 1964, maintain the solvency of every such pension plan as required by the regulations.

(6) Every employer of a non-mandatory group who establishes a pension plan after the 31st day of December, 1964, shall, Idem

- (a) file with the Commission within sixty days after establishment of the plan an information return in the prescribed form; and
- (b) maintain the solvency of such plan as required by the regulations.

When group  
ceases to be  
mandatory

(7) Notwithstanding subsection 1, an employer of a mandatory group that becomes a non-mandatory group because of a reduction in the number of its members is not required, after the year in which the group ceases to be a mandatory group, to maintain the qualification of the pension plan administered on behalf of his eligible employees as a registered pension plan.

Election to  
register non-  
mandatory  
plans

(8) After the 31st day of December, 1964,

- (a) every employer of a non-mandatory group may elect to register the pension plan maintained by him for his employees, and in the event of such election the group shall be deemed to be a mandatory group under this Act; and
- (b) an employer may revoke his election at any time more than two years after the date of making the election, and in the event of such revocation the election shall cease to be effective one year after the date of revocation.

Combining  
standard  
and supple-  
mentary  
plans

(9) For the purpose of this section, a standard pension plan and a supplementary pension plan may be combined for the purpose of registration.

Annual  
returns

(10) Every employer of a group covered by a pension plan shall file with the Commission annually, on or before the 31st day of March, an information return in the form prescribed by the regulations in respect of every pension plan administered by or on behalf of the employer or the group.

Acceptance  
of plans for  
registration

**14.** The Commission shall accept for registration and issue its certificate in respect of,

- (a) each standard pension plan filed for registration under subsection 1 or 3 of section 13 that in the opinion of the Commission is a plan organized and administered in accordance with sections 16 and 18;
- (b) each supplementary pension plan filed for registration under subsection 2 or 3 of section 13 that in the opinion of the Commission is a plan organized and administered in accordance with sections 17 and 18; and
- (c) each plan filed for registration under subsection 8 of section 13.

Subsections 7 and 8. Where the number of employees who are members of a group drops below 15, continued registration with the Commission is no longer required. An employer of a non-mandatory group may, however, elect to register the pension plan established for his employees as if they constituted a mandatory group.

Subsections 9 and 10. Self-explanatory.

SECTION 14. Self-explanatory.

SECTION 15. This saving clause relieves penalties in a case in which failure to register a pension plan is caused by delay for which the employer is not responsible. The report of the Superintendent will be a relevant document in the case of an appeal to the Supreme Court of Ontario. See sections 23, 24.

SECTION 16—Subsection 1. Clauses (a) and (b). Every qualified employee must become a member of a standard pension plan after 6 months' service and the plan must so provide. Portable pension benefits will accrue from the date of entry into the plan provided the minimum service requirement of 12 months is satisfied.

Clause (c). This clause prescribes the minimum pension benefits required to be provided by a standard pension plan. In the event of death of an employee prior to retirement, the employee's estate or beneficiary will be entitled to a refund of his contributions to the plan together with interest or at least an equivalent benefit such as a death benefit to his widow, if the plan so provides.

**15.** The Superintendent shall advise the Commission in writing of his opinion whether or not a pension plan is organized and administered in accordance with Part II after the pension plan is filed with the Commission for registration, and no penalty shall be imposed upon an employer under this Act for failure to register a pension plan until the written opinion of the Superintendent has been received by the Commission and the Commission has advised the employer of its decision concerning registration of the plan by registered mail and thirty days have elapsed thereafter.

**16.—(1)** The terms and conditions of every standard pension plan filed for registration as required or permitted by section 13 shall, after the year 1964,

Procedure  
upon refusal  
to register

Minimum  
terms and  
conditions  
of standard  
pension  
plans

(a) require each eligible employee to become a member of the plan;

(b) provide, in the case of each eligible employee who has been a member of the plan for not less than twelve months, for the accrual of pension benefit credits from a time not later than the date upon which the eligible employee became a member of the plan;

(c) provide for the payment of a single life annuity based upon contributions to or under the plan in respect of eligible employment after the year 1964 to each eligible employee, commencing not later than age seventy, calculated on the basis of a monthly amount of not less than, in the case of,

(i) a unit benefit plan, one-half of 1 per cent of the monthly earnings for each year of eligible employment, applied to the salary or wage earned up to \$400 per month,

(ii) a money purchase plan, a pension derived from a total contribution of 4 per cent of the first \$400 of earnings per month, and

(iii) a flat rate plan, \$2 for each year of eligible employment,

but, in the event of the death of an employee before the commencement of the payment of his pension benefits, the amount payable to his personal representative or to a beneficiary he has designated may be limited to the employee's contributions to the

pension plan together with interest at a rate of not less than  $2\frac{1}{2}$  per cent or to such other benefit of at least equivalent value;

- (d) provide that, upon termination of his employment prior to retirement, an eligible employee shall, subject to clause e, be entitled to a deferred single life annuity equal to that portion of the annuity prescribed by clause c for which contributions were made in respect of eligible employment after the year 1964;
- (e) provide that, where an eligible employee terminates his employment at the age of,

30 years.....	at least 20 per cent
31 years.....	at least 40 per cent
32 years.....	at least 60 per cent
33 years.....	at least 80 per cent
34 years or more.....	100 per cent

of the deferred single life annuity prescribed by clause d shall be provided for the employee by,

- (i) purchase of such annuity upon termination of employment,
- (ii) a contractual undertaking to pay or to purchase such annuity upon attainment of retirement age by the employee, or
- (iii) transfer of the pension benefit credit required to provide such annuity to the Central Pension Agency or to the standard pension plan of which the employee becomes a member upon entering into new employment,

as determined under the terms of the plan;

- (f) provide that the maximum proportion of the contributions made by each employee to the plan since the year 1964 that may be withdrawn upon termination of employment shall be, in the case of an employee under the age of thirty years, 100 per cent, and, in the case of an employee who has attained the age of,



Clauses (d) and (e). These clauses provide for vesting of standard pension benefit credits and for portability or transfer of those credits. The amount standing to the credit of an eligible employee may, according to the terms of the pension plan, provide for the immediate purchase of a deferred annuity upon termination of employment, the "cold storage" of the employee's credits, or the transfer of the credits to the Central Pension Agency or to the standard pension plan covering the mandatory group of which the employee becomes a member when he takes new employment.

Clause (f). This clause provides for the "locking in" of employee contributions to a standard pension plan. The pension benefit credit that must be made available by the pension plan at termination of employment is provided by the aggregate of vested employer contributions and employee contributions locked in under this clause.

Clause (g). This clause provides for cases where the employee withdrawing from employment wishes to transfer the contributions that are being returned to him to the Central Pension Agency or the plan of his new employer.

Subsection 2. The Superintendent is empowered to require the transfer of a pension benefit credit notwithstanding the choice of the "cold storage" option contemplated by subclause (ii) of clause (e) of subsection 1.

SECTION 17—Subsection 1. Pension benefit credits arising from employer contributions under a supplementary pension plan are irrevocably vested for the credit of an employee after he has attained the age of 44 years and has been in service for a continuous period of at least 10 years after the year 1964. This vesting rule does not apply to employer contributions made prior to 1965.

Subsection 2. Employee contributions to or under a supplementary pension plan after 1964 are "locked in" when the employment terminates after vesting of employer contributions has occurred in accordance with subsection 1. An employee who terminates his employment prior to the age of 44 years or before attaining 10 years service has no vested supplementary pension rights and may withdraw his own contributions to the supplementary pension plan in full.

SECTION 18. This section governs all registered pension plans.

30 years.....	not more than 80 per cent
31 years.....	not more than 60 per cent
32 years.....	not more than 40 per cent
33 years.....	not more than 20 per cent
34 years.....	no part

of such contributions; and

- (g) provide that, where an employee terminates his employment and is required by the terms of the plan to withdraw all or part of the contributions made by him, the employee may direct that his contributions be transferred to the Central Pension Agency or to the pension plan of which he becomes a member upon entering into new employment if that plan so permits.

(2) Notwithstanding clause *e* of subsection 1, the Superintendent may require payment of a pension benefit credit derived from a standard pension plan to the Central Pension Agency or to the standard pension plan of which an employee becomes a member upon entering into new employment.

Payment to  
Central  
Pension  
Agency

**17.—**(1) Every supplementary pension plan filed for registration as required or permitted by section 13 shall provide that, after a member of the plan has attained the age of forty-four years and has been an employee of the employer for not less than a continuous period of ten years after the year 1964, he is entitled, upon termination of his employment prior to his attaining retirement age, to a deferred annuity equal to the portion of the pension benefits provided under the terms of the plan for which contributions were made after the year 1964.

Vesting  
requirements  
of supple-  
mentary  
pension plan

(2) Upon termination of the employment of an employee who is entitled to a vested pension benefit under a supplementary pension plan, the employee is not entitled to withdraw any part of his contributions after the year 1964 to or under the plan, and such contributions shall be applied under the terms of the plan for the provision of a deferred annuity as part of or as supplementary to the annuity, if any, required to be provided to the employee under subsection 1.

Portability  
and locking  
in of full  
pension  
benefit  
credit

**18.** Every pension plan filed for registration as required or permitted by section 13 shall,

Funding and  
solvency of  
registered  
pension  
plans

- (a) provide for funding, in accordance with the tests for solvency prescribed by the regulations, that is adequate to provide for payment of all pension benefits required to be paid under the terms of the plan;

- (b) provide for a written explanation to each eligible employee of the terms and conditions of the pension plan or plans and amendments thereto applicable to the mandatory group of which the employee is a member together with an explanation in prescribed form of the rights and duties of the employee with reference to the pension benefit credits available to him under the terms of the pension plan; and
- (c) require that the pension benefits provided under the terms of the plan are for the employee's own use and benefit and are not capable of assignment or alienation and do not confer upon any employee, personal representative or dependant or any other person any right or interest in pension benefits capable of being assigned or otherwise alienated.

**Regulations**     **19.** Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations,

- (a) respecting methods of computing pension benefit credits and the pension benefits arising therefrom;
- (b) determining the proportions of contributions by employers and employees to pension plans that are attributable to a standard pension plan;
- (c) prescribing tests and standards for solvency of pension plans;
- (d) defining the conditions under which the Superintendent may require an employer to pay or credit an amount to the Central Pension Agency;
- (e) prescribing the conditions under which pension benefit credits may be retained by the administrator or trustee of a pension plan, or transferred to the administrator or trustee of another pension plan upon termination of employment of an eligible employee;
- (f) designating employees or pension plans or any class thereof that are excepted from the application of the Act and the regulations;
- (g) defining the conditions under which the Commission may participate in the organization and administration of the insurance fund described in clause f of subsection 1 of section 7, and fixing premiums which shall be payable to such fund by any employer or other person;

**SECTION 19—Clause (a).** Methods of determining the present value at a particular time of the pension benefit to which an employee is entitled differ according to the type of pension plan, and will be prescribed by regulations.

**Clause (b).** This clause will enable the Lieutenant Governor in Council to make regulations to prevent abuses arising from unreasonable allocations of employer and employee contributions between standard and supplementary pension plans.

**Clause (c).** Funding requirements are to be prescribed by regulation both for new plans providing pension coverage in respect of eligible employment after the year 1964, and for old plans in existence prior to 1965 which carry past service obligations. The wide variation of conditions of solvency among different pension plans requires the prescription of tests for solvency by regulation in order to achieve flexibility and maintain equity.

**Clause (d).** The regulations made pursuant to this clause will take into account special circumstances arising in the case of insolvent or bankrupt pension funds.

**Clause (e).** Self-explanatory.

**Clause (f).** Self-explanatory.

**Clause (g).** Complementary to section 7 (1) (f).

Clauses (h), (i) and (j). Self-explanatory.

SECTION 20. Self-explanatory.

SECTION 21—Subsection 1, 2 and 3. The enforcement provisions of the Act are directed toward the establishment and maintenance of solvent pension funds for the provision of standard pension benefits. All fines recovered are made available to further this statutory purpose.

Subsection 4, 5 and 6. Self-explanatory.

- (h) requiring the furnishing of information in respect of pension plans and prescribing forms and providing for their use;
- (i) prescribing fees for registration and annual supervision of pension plans;
- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**20.** The Commission is not liable for any act or omission of <sup>Saving</sup> any trustee or administrator of a pension plan, or for or in respect of any default or breach of contract on the part of an employee or of any trustee, insurer or administrator of a pension plan.

### PART III

#### ADMINISTRATION, ENFORCEMENT AND APPEAL

**21.—(1)** Every employer who contravenes section 13 is <sup>Penalties</sup> guilty of an offence and on summary conviction is liable to a fine for each day of default equal to not more than the daily amount required to be paid to maintain a registered pension plan for his employees plus not more than \$100 per day.

(2) Every person who contravenes any other provision of <sup>Idem</sup> this Act or the regulations or who obstructs an officer of the Commission in the performance of his duties is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$10,000 or to imprisonment for a term of not more than six months, or to both.

(3) The fines recovered for offences against this Act shall <sup>Disposition of fines</sup> be paid to the Commission, and fines imposed under subsection 1 may be paid by the Commission to the Central Pension Agency for the credit of the eligible employees of the payer.

(4) The Superintendent or his duly authorized representa- <sup>Inspection</sup> tive may, at any reasonable time,

- (a) inspect the books, files, documents and other records respecting a pension plan kept by an employer, a trustee of the pension plan or any other person; and
- (b) require any employer, trustee of a pension plan or other person to furnish, in a form acceptable to the Commission, such information as the Commission

deems necessary for the purpose of ascertaining whether this Act and the regulations have been or are being complied with.

**Actions for deducting sums**

(5) No action lies against any person for withholding, deducting, paying or crediting any sum of money in compliance or intended compliance with this Act.

**Agreements void**

(6) Where this Act requires an amount to be deducted, withheld, paid or credited, an agreement by the person on whom that obligation is imposed not to deduct, withhold, pay or credit the amount is void.

**Evidence**

**22.**—(1) No member of the Commission and no employee thereof shall be required to give testimony without the consent of the Commission in any civil action in which the Commission is not a party with regard to information obtained in the discharge of his duties.

**Liability of members and employees of Commission**

(2) No member of the Commission and no employee thereof is personally liable for anything done by it or him in good faith under the authority of this Act or the regulations.

**Notice of objection**

**23.**—(1) Where the Commission refuses to accept for registration a pension plan filed for registration under this Act, the employer may, within ninety days from the day of mailing of a notification of refusal of registration, serve on the Commission a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

**Service**

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Commission at Toronto.

**Review by Commission**

(3) Upon receipt of a notice of objection, the Commission shall with all due dispatch reconsider its opinion, and vary or confirm its opinion, and it shall thereupon notify the employer of its action by registered mail.

**Appeal to Supreme Court of Ontario**

**24.** Where an employer has served a notice of objection under section 23, he may appeal to the Supreme Court of Ontario for an order requiring the Commission to accept the pension plan for registration under this Act,

(a) within ninety days after the Commission has confirmed its opinion that the pension plan is not acceptable for registration; or



**SECTION 22.** Self-explanatory.

**SECTIONS 23, 24 and 25.** Procedure is established for appeals to the Supreme Court of Ontario in the event of a dispute concerning the qualification of a pension plan for registration.

SECTION 26. To protect the confidential character of many pension plans, provision is made for hearings *in camera*.

SECTION 27. Self-explanatory.

- (b) after ninety days and before one hundred and eighty days have elapsed after service of the notice of objection and the Commission has not notified the employer that it has confirmed or varied its opinion.

**25.**—(1) An appeal to the Court shall be instituted by filing with the Registrar of the Court or by sending by registered mail addressed to him at Toronto three copies of a notice of appeal in such form as is determined by the rules of the Court. <sup>Filing of notice of appeal</sup>

(2) Upon receipt of the copies of the notice of appeal, the Registrar shall transmit two copies to the Superintendent. <sup>Transmission to Superintendent</sup>

(3) Immediately after receiving a copy of the notice of appeal, the Superintendent shall forward to the Registrar copies of all documents relevant to the appeal. <sup>Transmission of material</sup>

**26.** An appeal may, in the discretion of the Court, be heard *in camera* or in public unless the appellant requests that it be heard *in camera*, in which case it shall be so heard. <sup>Hearings in camera</sup>

**27.**—(1) The Court may dispose of an appeal by dismissing it, by referring the matters in issue back to the Commission for reconsideration, or by allowing the appeal. <sup>Disposition of appeals</sup>

(2) Where the Court allows an appeal under this section, the Commission shall accept the pension plan for registration in accordance with the direction of the Court, which may include conditions precedent to qualification for registration of the plan imposed upon the appellant. <sup>Executing decision of Court</sup>

**28.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commencement</sup>

**29.** This Act may be cited as *The Pension Benefits Act*, Short title 1961-62. <sup>Short title</sup>

ALL ACT TO PROVIDE FOR THE PROVISIONS AND  
PROVEMENT AND SOLVENCY OF PENSION PLANS  
AND THE PORTABILITY OF PENSION BENEFITS

*1st Reading*

April 6th, 1962

*2nd Reading*

*3rd Reading*

MR. ROBARTS

# **BILL 166**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **The College of Art Act, 1961-62**

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**MR. ROBARTS**

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#### EXPLANATORY NOTE

*The College of Art Act* is revised to provide for the regular appointment of members of Council and for their retirement from office.

Five members will be appointed by the Lieutenant Governor in Council and ten members by the Council of the Ontario College of Art.

Provision is also made for an annual report to be filed with the Minister of Education.

## BILL 166

1961-62

## The College of Art Act, 1961-62

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation

- (a) "College" means the Ontario College of Art;
- (b) "Council" means the Council of the Ontario College of Art;
- (c) "Minister" means the Minister of Education. R.S.O. 1937, c. 377, s. 1; 1949, c. 12, s. 1.

**2.—**(1) The Ontario College of Art is continued. R.S.O. College 1937, c. 377, s. 2, *amended*.

## (2) The objects of the College are,

Objects

- (a) the training of students in the fine arts, including drawing, painting, designing, modelling and sculpture, and in all branches of the applied arts in the more artistic trades and manufactures; and
- (b) the training of teachers in the fine and applied arts. R.S.O. 1937, c. 377, s. 3.

**3.—**(1) The Council is continued as a body corporate and the members shall remain in office until the adjournment of the first annual meeting of the Council held after this Act comes into force. R.S.O. 1937, c. 377, s. 4, *amended*.

Council  
continued

## (2) The Lieutenant Governor in Council shall,

Appointment  
of members

- (a) appoint five persons as members of the Council who shall assume office on the adjournment of the first annual meeting of the Council held after this Act comes into force;

- (b) determine the term of office of each of such members so that one will retire at the close of the annual meeting in each succeeding year; and
- (c) appoint members to succeed retiring members and fill vacancies that occur from any cause in such membership.

Idem

(3) Following the appointment of five members under clause *a* of subsection 2, the members of the Council in office on the day this Act comes into force, except any of such members who have been appointed under subsection 2, shall,

- (a) appoint ten persons as members of the Council who shall assume office on the adjournment of the first annual meeting held after this Act comes into force;
- (b) determine the term of office of each of such members so that two of such members will retire at the close of the annual meeting in each succeeding year.

Idem

(4) The members of Council appointed under subsection 3 and their successors shall appoint members to succeed retiring members appointed under subsection 3 and fill vacancies that occur for any reason in such membership. 1949, c. 12, s. 2 (1), *amended*.

Principal and staff

4. The Council shall appoint a principal and staff for the College and shall determine their duties and fix their remuneration. R.S.O. 1937, c. 377, s. 12, *amended*.

Duties of principal

5. The principal of the College is the chief executive officer and, subject to the by-laws of the Council, controls the organization and management of the College. R.S.O. 1937, c. 377, s. 13.

Diplomas and certificates

6. Subject to the by-laws of the Council, the Council may confer upon students of the College the diploma of "Associate of the Ontario College of Art" and the right to affix the letters "A.O.C.A." after their names, and may issue such certificates of proficiency as are provided for in the by-laws of the Council. R.S.O. 1937, c. 377, s. 15.

Affiliation with university

7. The College may be affiliated with any university in the Province of Ontario where arrangements may be considered expedient for the use of common instruction and the granting of degrees. R.S.O. 1937, c. 377, s. 16, *amended*.

Arrangements with Department of Education

8. The Council may arrange with the Department of Education for courses and examinations for teachers of art and supervisors of art instructors in schools in Ontario. R.S.O. 1937, c. 377, s. 17.



**9.** The Council may purchase, acquire, take by gift, devise <sup>Property</sup> or bequest and hold such real and personal property as it may deem necessary for the purposes of the College, and may mortgage, sell and otherwise dispose of the same as occasion requires. R.S.O. 1937, c. 377, s. 20.

**10.** Any municipal corporation may make grants in aid <sup>Grants</sup> of the College. R.S.O. 1937, c. 377, s. 19, *amended*.

**11.** The Council may pass by-laws, By-laws

- (a) subject to section 3, providing for the appointment by the Council of members of Council;
- (b) providing for the term of office of members appointed by Council and the filling of vacancies in such offices;
- (c) providing for the vacation of a seat of a member of Council for absence from meetings without authorization of Council;
- (d) providing for meetings of Council, and prescribing the quorum and who shall preside at such meetings;
- (e) providing for the election of officers;
- (f) prescribing the courses of study, examinations and the fees payable by students;
- (g) providing for the issue of certificates and regulating the awarding of diplomas and certificates;
- (h) providing for the establishment of scholarships;
- (i) providing for the exhibition of the work of students;
- (j) respecting any matter deemed necessary or advisable for the carrying on of the business and the objects of the College. R.S.O. 1937, c. 377, ss. 5 (2-5), 6-11, 18, *amended*.

**12.**—(1) The Council shall, after the close of each fiscal <sup>Annual</sup> year, file with the Minister of Education an annual report <sup>report</sup> upon the affairs of the College.

(2) The Minister shall submit the report to the Lieutenant <sup>Tabling</sup> Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. *New*.

R.S.O. 1937,  
c. 377,  
except s. 21;  
1949, c. 12,  
repealed

**13.** *The College of Art Act*, except section 21, and *The College of Art Amendment Act, 1949* are repealed.

Commence-  
ment

**14.** This Act comes into force on the day it receives Royal Assent.

Short title

**15.** This Act may be cited as *The College of Art Act, 1961-62*.

184

1993, 1994, 1995

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*1st Reading*

April 6th, 1962

*2nd Reading*

*3rd Reading*

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MR. ROBARTS

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# **BILL 166**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **The College of Art Act, 1961-62**

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**MR. ROBARTS**

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BILL 166

1961-62

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**2.—(1)** The Ontario College of Art is continued. R.S.O. 1937, c. 377, s. 2, *amended*.

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- (b) the training of teachers in the fine and applied arts. R.S.O. 1937, c. 377, s. 3.

**3.—(1)** The Council is continued as a body corporate and the members shall remain in office until the adjournment of the first annual meeting of the Council held after this Act comes into force. R.S.O. 1937, c. 377, s. 4, *amended*.

Council  
continued

**(2)** The Lieutenant Governor in Council shall,

Appointment  
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- (a) appoint five persons as members of the Council who shall assume office on the adjournment of the first annual meeting of the Council held after this Act comes into force;

- (b) determine the term of office of each of such members so that one will retire at the close of the annual meeting in each succeeding year; and
- (c) appoint members to succeed retiring members and fill vacancies that occur from any cause in such membership.

Idem

(3) Following the appointment of five members under clause *a* of subsection 2, the members of the Council in office on the day this Act comes into force, except any of such members who have been appointed under subsection 2, shall,

- (a) appoint ten persons as members of the Council who shall assume office on the adjournment of the first annual meeting held after this Act comes into force;
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4. The Council shall appoint a principal and staff for the College and shall determine their duties and fix their remuneration. R.S.O. 1937, c. 377, s. 12, *amended*.

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5. The principal of the College is the chief executive officer and, subject to the by-laws of the Council, controls the organization and management of the College. R.S.O. 1937, c. 377, s. 13.

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6. Subject to the by-laws of the Council, the Council may confer upon students of the College the diploma of "Associate of the Ontario College of Art" and the right to affix the letters "A.O.C.A." after their names, and may issue such certificates of proficiency as are provided for in the by-laws of the Council. R.S.O. 1937, c. 377, s. 15.

Affiliation with university

7. The College may be affiliated with any university in the Province of Ontario where arrangements may be considered expedient for the use of common instruction and the granting of degrees. R.S.O. 1937, c. 377, s. 16, *amended*.

Arrangements with Department of Education

8. The Council may arrange with the Department of Education for courses and examinations for teachers of art and supervisors of art instructors in schools in Ontario. R.S.O. 1937, c. 377, s. 17.



9. The Council may purchase, acquire, take by gift, devise <sup>Property</sup> or bequest and hold such real and personal property as it may deem necessary for the purposes of the College, and may mortgage, sell and otherwise dispose of the same as occasion requires. R.S.O. 1937, c. 377, s. 20.

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- (b) providing for the term of office of members appointed by Council and the filling of vacancies in such offices;
- (c) providing for the vacation of a seat of a member of Council for absence from meetings without authorization of Council;
- (d) providing for meetings of Council, and prescribing the quorum and who shall preside at such meetings;
- (e) providing for the election of officers;
- (f) prescribing the courses of study, examinations and the fees payable by students;
- (g) providing for the issue of certificates and regulating the awarding of diplomas and certificates;
- (h) providing for the establishment of scholarships;
- (i) providing for the exhibition of the work of students;
- (j) respecting any matter deemed necessary or advisable for the carrying on of the business and the objects of the College. R.S.O. 1937, c. 377, ss. 5 (2-5), 6-11, 18, *amended*.

12.—(1) The Council shall, after the close of each fiscal <sup>Annual</sup> year, file with the Minister of Education an annual report <sup>report</sup> upon the affairs of the College.

(2) The Minister shall submit the report to the Lieutenant <sup>Tabling</sup> Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. *New*.

R.S.O. 1937,  
c. 377,  
except s. 21;  
1949, c. 12,  
repealed

**13.** *The College of Art Act*, except section 21, and *The College of Art Amendment Act, 1949* are repealed.

Commence-  
ment

**14.** This Act comes into force on the day it receives Royal Assent.

Short title

**15.** This Act may be cited as *The College of Art Act, 1961-62*.



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*1st Reading*

April 6th, 1962

*2nd Reading*

April 11th, 1962

*3rd Reading*

April 17th, 1962

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MR. ROBERTS

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# **BILL 167**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Farm Products Marketing Act**

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**MR. STEWART**

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#### EXPLANATORY NOTES

SECTION 1. The amendment permits the Farm Products Marketing Board to prohibit a person engaged in marketing or processing a regulated product from terminating the purchase of the regulated product and a producer from terminating the sale of a regulated product.

SECTION 2. The new paragraph 7*a* requires a person who produces and processes a regulated product to furnish to the Farm Products Marketing Board statements of the amounts of the product processed and to pay to the local board or marketing agency any licence fees payable by producers.

The new paragraph 12*a* enables the Farm Products Marketing Board to regulate and control agreements between producers of a regulated product and persons engaged in marketing or processing the product and to prohibit any provision or clause in such agreements.

BILL 167

1961-62

## An Act to amend The Farm Products Marketing Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 4 of *The Farm Products Marketing Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 137, s. 4,  
subs. 1,  
amended

(aa) after a hearing, prohibit a person engaged in marketing or processing a regulated product from terminating without just cause the purchase of the regulated product from a producer or prohibit a producer from terminating without just cause the sale of a regulated product to a person engaged in marketing or processing the regulated product.

**2.** Subsection 1 of section 8 of *The Farm Products Marketing Act* is amended by adding thereto the following paragraphs: R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
amended

7a. requiring any person who produces and processes a regulated product to furnish to the Board or the local board statements of the amounts of the regulated product processed and to pay to the local board or marketing agency, as the case may be, any licence fees payable by producers;

. . . . .

12a. providing for the regulating and the controlling of agreements entered into by producers of a regulated product with persons engaged in marketing or processing the regulated product, and the prohibition of any provision or clause in such agreements.

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Farm Products Marketing Amendment Act, 1961-62*. Short title

An Act to amend  
The Farm Products Marketing Act

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*1st Reading*

April 10th, 1962

*2nd Reading*

*3rd Reading*

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MR. STEWART

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# **BILL 167**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Farm Products Marketing Act**

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**MR. STEWART**

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THE

BILL 167

1961-62

## An Act to amend The Farm Products Marketing Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 4 of *The Farm Products Marketing Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 137, s. 4,  
subs. 1,  
amended]

(aa) after a hearing, prohibit a person engaged in marketing or processing a regulated product from terminating without just cause the purchase of the regulated product from a producer or prohibit a producer from terminating without just cause the sale of a regulated product to a person engaged in marketing or processing the regulated product.

**2.** Subsection 1 of section 8 of *The Farm Products Marketing Act* is amended by adding thereto the following paragraphs: R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
amended

7a. requiring any person who produces and processes a regulated product to furnish to the Board or the local board statements of the amounts of the regulated product processed and to pay to the local board or marketing agency, as the case may be, any licence fees payable by producers;

. . . . .

12a. providing for the regulating and the controlling of agreements entered into by producers of a regulated product with persons engaged in marketing or processing the regulated product, and the prohibition of any provision or clause in such agreements.

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The Farm Products Marketing Amendment Act, 1961-62*. Short title

An Act to amend  
The Farm Products Marketing Act

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*1st Reading*

April 10th, 1962

*2nd Reading*

April 16th, 1962

*3rd Reading*

April 18th, 1962

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MR. STEWART

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# **BILL 168**

**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

## **An Act to amend The Labour Relations Act**

**MR. WARRENDER**

**TORONTO**

**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

#### EXPLANATORY NOTES

SECTION 1—Subsection 1. Self-explanatory. The definition is required for the purposes of the several amendments that are being made to the Act in implementation of the Report of the Royal Commission on Labour-Management Relations in the Construction Industry. See section 17 of this Bill.

Subsection 2. The purpose of this amendment is to exclude Ontario land surveyors from the operation of the Act.

SECTION 2. This new section permits the Ontario Labour Relations Board to "re-grant" conciliation services.

BILL 168

1961-62

## An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Labour Relations Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 202, s. 1,  
subs. 1,  
amended

(da) "construction industry" means the businesses that are engaged in constructing, altering, decorating, repairing or demolishing buildings, structures, roads, sewers, water or gas mains, pipe lines, tunnels, bridges, canals or other works at the site thereof.

(2) Clause *a* of subsection 3 of the said section 1 is amended by inserting after "engineering" in the first and second lines "land surveying", so that the clause shall read as follows: R.S.O. 1960,  
c. 202, s. 1,  
subs. 3, cl. a,  
amended

(a) who is a member of the architectural, dental, engineering, land surveying, legal or medical profession entitled to practise in Ontario and employed in a professional capacity; or

2. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 202,  
amended

13a. Notwithstanding anything in this Act, where the Board has granted a request for conciliation services and the parties have failed to enter into a collective agreement within fifteen months from the granting of the request, the Board may, upon the joint request of the parties that conciliation services again be made available to them, grant such request, and, upon such request being granted, sections 14 to 31 and 54 to 59 apply, but the granting of such request is not a bar to an application for certification or for a declaration that the trade union no longer represents the employees in the bargaining unit. Second  
conciliation

R.S.O. 1960,  
c. 202, s. 38,  
subss. 1, 2,  
amended

**3.** Subsections 1 and 2 of section 38 of *The Labour Relations Act* are amended by inserting after "trade union" wherever the expression appears "or council of trade unions", so that the subsections shall read as follows:

Binding  
effect of  
collective  
agreements  
on members  
of  
employers'  
organiza-  
tions

- (1) A collective agreement between an employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union or council of trade unions as if it was made between each of such persons and the trade union or council of trade unions, and, if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

Duty to  
disclose

- (2) When an employers' organization commences to bargain with a trade union or council of trade unions, it shall deliver to the trade union or council of trade unions a list of the names of the employers on whose behalf it is bargaining and, in default of so doing, it shall be deemed to bargain for all members of the employers' organization for whose employees the trade union or council of trade unions is entitled to bargain and to make a collective agreement at that time, except an employer who, either by himself or through the employers' organization, has notified the trade union or council of trade unions in writing before the agreement was entered into that he will not be bound by a collective agreement between the employers' organization and the trade union or council of trade unions.

R.S.O. 1960,  
c. 202,  
amended

**4.** *The Labour Relations Act* is amended by adding thereto the following section:

Declaration  
of successor  
employer

- 47a. Where an employer who is or was a party to or is or was bound by a collective agreement with a trade union, or on behalf of whose employees in an appropriate bargaining unit a trade union has been certified as bargaining agent, ceases to be the employer of the employees in the bargaining unit by reason of a sale, lease, transfer or other disposition of his business or part thereof, the Board, on the application of any person or trade union concerned, may declare,



SECTION 3. Self-explanatory.

SECTION 4. This new provision implements one of the recommendations of the Royal Commission on Labour-Management Relations in the Construction Industry. It is extended so as to be applicable to industry as a whole.

**SECTION 5.** This amendment brings the clause into line with recent judicial interpretation.

**SECTION 6.** The purpose of the new section 59a is to give protection against discrimination, loss of employment, etc., to a person who has testified or intends to testify before the Board.

The new section 59b is self-explanatory.

- (a) that the person to whom the business or part thereof has been sold, leased, transferred or otherwise disposed of, is bound by the collective agreement as if he had been a party thereto; or
- (b) whether or not a collective agreement is in operation binding upon the predecessor employer, that the trade union is the bargaining agent for the employees in the appropriate bargaining unit of the person to whom the business or part thereof has been sold, leased, transferred or otherwise disposed of, and is entitled to give to that person a notice that shall have the same force and effect as a notice under section 10 or 40, as the Board may direct; or
- (c) where in the opinion of the Board the person to whom the business or part thereof has been sold, leased, transferred or otherwise disposed of changes its character so that it is substantially different from the business of the predecessor employer, that the trade union is not the bargaining agent of his employees.

5. Clause c of section 50 of *The Labour Relations Act* is amended by inserting after "or" where it occurs the second time in the sixth line "to cease", so that the clause shall read as follows:

R.S.O. 1960,  
c. 202, s. 50,  
cl. c,  
amended

- (c) shall seek by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or other penalty, or by any other means to compel an employee to become or refrain from becoming or to continue to be or to cease to be a member or officer or representative of a trade union or to cease to exercise any other rights under this Act.

6. *The Labour Relations Act* is amended by adding thereto the following sections:

R.S.O. 1960,  
c. 202,  
amended

59a.—(1) No employer, employers' organization or person acting on behalf of an employer or employers' organization shall,

Protection  
of  
witnesses'  
rights

- (a) refuse to employ or continue to employ a person;
- (b) threaten dismissal or otherwise threaten a person;

(c) discriminate against a person in regard to employment or a term or condition of employment; or

(d) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

Idem

(2) No trade union, council of trade unions or person acting on behalf of a trade union or council of trade unions shall,

(a) discriminate against a person in regard to employment or a term or condition of employment; or

(b) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

Removal,  
etc., of  
posted  
notices

59b. No person shall wilfully destroy, mutilate, obliterate, alter, deface or remove or cause to be destroyed, mutilated, obliterated, altered, defaced or removed any notice that the Board has required to be posted during the period that the notice is required to be posted.

R.S.O. 1960,  
c. 202,  
amended

7. *The Labour Relations Act* is amended by adding thereto the following section:

Representa-  
tive for  
service of  
process

63a.—(1) Every trade union and unincorporated employers' organization in Ontario that has members in Ontario shall, on or before the 31st day of December, 1962, or within fifteen days after it has enrolled its first member, whichever is later, file with the Board a notice in the prescribed form giving the

**SECTION 7.** This new provision is designed to facilitate service of processes, etc., on trade unions and unincorporated employers' organizations.

**SECTION 8.** These amendments are designed to clarify and strengthen the complaint proceedings of the Act.

name and address of a person resident in Ontario who is authorized by the trade union or unincorporated employers' organization to accept on its behalf service of process and notices under this Act.

- (2) Whenever a trade union or unincorporated employers' organization changes the authorization referred to in subsection 1, it shall file with the Board notice thereof in the prescribed form within fifteen days after making such change. Change in representative
- (3) Service on the person named in a notice or the latest notice, as the case may be, filed under subsection 1 is good and sufficient service for the purposes of this Act and the trade union or unincorporated employers' organization that filed the notice. Service on representative good and sufficient

8.—(1) Subsection 1 of section 65 of *The Labour Relations Act* is amended by adding at the end thereof "as to his employment, opportunity for employment or conditions of employment", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 65, subs. 1, amended

- (1) The Board may authorize a field officer to inquire into a complaint that a person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment. Inquiry by field officer

(2) Subsections 4 and 5 of the said section 65 are repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 65, subs. 4, 5, re-enacted

- (4) Where a field officer is unable to effect a settlement of the matter complained of, the Board may inquire into the complaint and, if it is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by an employer or other person or a trade union, it shall determine what, if anything, the employer, other person or trade union shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits, and the Remedy for discrimination

employer, other person or trade union shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination.

Enforce-  
ment of  
determina-  
tion

- (5) Where the employer or other person or the trade union has failed to comply with any of the terms of the determination, any employer, person or trade union affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons, if any, therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Effect of  
settlement

- (6) Where the matter complained of has been settled, whether through the endeavours of the field officer or otherwise, and the terms of the settlement have been put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the employer or other person and the trade union who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the employer or other person or the trade union who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint that a person has been dealt with contrary to the Act as to his employment, opportunity for employment or conditions of employment, as the case may be.

R.S.O. 1960,  
c. 202, s. 66,  
subs. 1,  
re-enacted

9.—(1) Subsection 1 of section 66 of *The Labour Relations Act* is repealed and the following substituted therefor:

Juris-  
dictional  
disputes  
commission,  
interim  
order

- (1) Upon complaint to the Board that a trade union or council of trade unions, or an officer, official or agent of a trade union or council of trade unions, was or is requiring an employer or an employers' organization to assign particular work to persons in a particular trade union or in a particular trade, craft or class rather than to persons in another trade union or in another trade, craft or class, or that an employer was or is assigning particular work to persons in a particular trade union rather than to persons in another trade union, the jurisdictional disputes commission for the industry or business concerned



**SECTION 9.** These amendments implement one of the recommendations of the Royal Commission on Labour-Management Relations in the Construction Industry. It is extended so as to be applicable to industry as a whole.



may, after consulting any person, employers' organization, trade union or council of trade unions that in its opinion may be affected by the complaint, make such interim order with respect to the assignment of the work as it in its discretion deems proper in the circumstances, and it may in the interim order or in a subsequent interim order direct any person, employers' organization, trade union, council of trade unions and their officers, officials and agents to cease and desist from doing anything intended or designed to interfere with the terms of the order respecting the assignment of the work, and the person, employers' organization, trade union, council of trade unions and their officers, officials and agents shall comply with the interim order.

(2) Subsection 3 of the said section 66 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 202, s. 66,  
subs. 3,  
re-enacted

(3) Upon the reconsideration of the complaint, the commission shall give to any person, employers' organization, trade union or council of trade unions affected by the interim order full opportunity to present evidence and to make submissions and, if it finds that the trade union, council of trade unions, officer, official or agent of a trade union or council of trade unions was or is in its opinion unjustifiably requiring the employer to assign work or that the employer was or is in its opinion unjustifiably assigning work, it shall direct the action to be taken by the employer, employers' organization, trade union, council of trade unions and their officers, officials and agents with respect to the assignment of the work, and it may direct any person, employers' organization, trade union, council of trade unions and their officers, officials and agents to cease and desist from doing anything intended or designed to interfere with the terms of the direction respecting the assignment of the work, and the employer, employers' organization, trade union, council of trade unions and their officers, officials and agents shall comply with the direction. Determina-  
tion

(3) The said section 66 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 66,  
amended

(5a) Where a jurisdictional disputes commission has made an interim order or a direction, the person, employer, employers' organization, trade union, council of trade unions and their officers, officials Conflict  
between  
interim  
order, etc.,  
and  
collective  
agreement

and agents affected by the interim order or the direction may comply with it notwithstanding the provisions of any collective agreement relating to the assignment of the work to which the interim order or the direction relates, and the person, employer, employers' organization, trade union, council of trade unions and their officers, officials and agents so complying shall be deemed not to have violated the collective agreement in so doing.

R.S.O. 1960,  
c. 202, s. 66,  
subs. 7,  
re-enacted

(4) Subsection 7 of the said section 66 is repealed and the following substituted therefor:

Enforce-  
ment of  
interim  
order, etc.

(7) Where the person, employer, employers' organization, trade union, council of trade unions or their officers, officials or agents have failed to comply with any of the terms of the interim order or the direction, any person, employer, employers' organization, trade union or council of trade unions affected by the interim order or the direction may,

(a) in the case of an interim order, after the expiration of two days from the release of the interim order or of the date provided in the interim order for compliance, whichever is later; and

(b) in the case of a direction, after the expiration of fourteen days from the release of the direction or the date provided in the direction for compliance, whichever is later,

notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the interim order or the direction, exclusive of the reasons, if any, therefor, in the prescribed form, whereupon the interim order or direction shall be entered in the same way as a judgment or order of that court and is enforceable as such.

R.S.O. 1960,  
c. 202, s. 69,  
subs. 1,  
amended

**10.**—(1) Subsection 1 of section 69 of *The Labour Relations Act* is amended by inserting after "decision" in the third line "determination, interim order", so that the subsection shall read as follows:

Offences

(1) Every person, trade union, council of trade unions or employers' organization that contravenes any provision of this Act or of any decision, determination,

SECTION 10. The intent is clarified.

**SECTION 11—Subsection 1. Self-explanatory.**

**Subsection 2. The intent is clarified.**

**Subsection 3. Self-explanatory.**

interim order, order, direction, declaration or ruling made under this Act is guilty of an offence and on summary conviction is liable,

- (a) if an individual, to a fine of not more than \$100; or
- (b) if a corporation, trade union, council of trade unions or employers' organization, to a fine of not more than \$1,000.

(2) Subsection 2 of the said section 69 is amended by inserting after "decision" in the third line "determination, interim order", so that the subsection shall read as follows: R.S.O. 1960,  
c. 202, s. 69,  
subs. 2,  
amended

- (2) Each day that a person, trade union, council of trade unions or employers' organization contravenes any provision of this Act or of any decision, determination, interim order, order, direction, declaration or ruling made under this Act constitutes a separate offence. Continued  
offences

**11.—(1)** Section 75 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 75,  
amended

- (3a) One of the divisions of the Board shall be designated by the chairman as the construction industry division, and it shall exercise the powers of the Board under this Act in proceedings to which sections 90 to 96 apply, but nothing in this subsection impairs the authority of any other division to exercise such powers. Construction  
industry  
division

(2) Subsection 9 of the said section 75 is amended by inserting after "procedure" in the sixth line "and the exercise of its powers", so that the subsection shall read as follows: R.S.O. 1960,  
c. 202, s. 75,  
subs. 9,  
amended

- (9) The Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Board may, subject to the approval of the Lieutenant Governor in Council, make rules governing its practice and procedure and the exercise of its powers and prescribing such forms as are deemed advisable. practice and  
procedure,  
etc.

(3) The said section 75 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 75,  
amended

Rules appli-  
cable to  
construction  
industry

- (9a) The Board may, subject to the approval of the Lieutenant Governor in Council, make rules to expedite proceedings to which sections 90 to 96 apply, and such rules may provide that, for the purposes of determining the merits of an application for certification to which sections 90 to 92 apply, the Board shall make or cause to be made such examination of records and such other inquiries as it deems necessary, but the Board need not hold a hearing on such an application.

R.S.O. 1960,  
c. 202, s. 76,  
amended

- 12.** Section 76 of *The Labour Relations Act* is amended by adding at the end thereof "and he may determine the industry or industries or business or businesses in which each of such commissions shall exercise the powers conferred on a commission by section 66", so that the section shall read as follows:

Juris-  
dictional  
disputes  
commissions

76. The Lieutenant Governor in Council may appoint one or more jurisdictional disputes commissions and each of such commissions shall be composed of one or more persons as he determines, and he may determine the industry or industries or business or businesses in which each of such commissions shall exercise the powers conferred on a commission by section 66.

R.S.O. 1960,  
c. 202, s. 77,  
subs. 2, cl. *e*,  
amended

- 13.**—(1) Clause *e* of subsection 2 of section 77 of *The Labour Relations Act* is amended by adding at the end thereof "and post therein any notice referred to in clause *d*", so that the clause shall read as follows:

- (*e*) to enter any premises where work is being or has been done by the employees or in which the employer carries on business, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter and post therein any notice referred to in clause *d*.

R.S.O. 1960,  
c. 202, s. 77,  
subs. 2, cl. *h*,  
re-enacted

- (2) Clause *h* of subsection 2 of the said section 77 is repealed and the following substituted therefor:

- (*h*) to authorize any person to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Board, or any part of any of them, and to report to the Board thereon.

R.S.O. 1960,  
c. 202, s. 77,  
amended

- (3) The said section 77 is amended by adding thereto the following subsection:



**SECTION 12.** This amendment clarifies the powers of the Lieutenant Governor in Council with respect to the appointment of jurisdictional disputes commissions.

**SECTION 13—Subsection 1.** This amendment will authorize officers of the Ontario Labour Relations Board to post notices of matters before the Board in places where the employees concerned are working.

**Subsection 2.** This provision authorizes the Ontario Labour Relations Board to delegate its powers of inquiry with respect to any matter before the Board.

The amendment will enable the Board to authorize a delegate to inquire into and report upon any part of any such matter.

**Subsection 3.** This new provision will enable the Ontario Labour Relations Board to deal fairly with the interests of all concerned where conflicting applications are made with respect to the bargaining rights of substantially the same group of employees.

SECTION 14—Subsection 1. The intent is clarified.

Subsection 2. This new subsection implements a recommendation of the Royal Commission on Labour-Management Relations in the Construction Industry.

SECTION 15. Self-explanatory.

- (3) Notwithstanding sections 5 and 43, where an application has been made for certification of a trade union as bargaining agent for employees in a bargaining unit or for a declaration that the trade union no longer represents the employees in a bargaining unit and a final decision of the application has not been issued by the Board at the time a subsequent application for certification, etc. for such a declaration is made with respect to any of the employees affected by the original application, the Board may,

- (a) treat the subsequent application as having been made on the date of the making of the original application;
- (b) postpone consideration of the subsequent application until a final decision has been issued on the original application and thereafter consider the subsequent application but subject to any final decision issued by the Board on the original application; or
- (c) refuse to entertain the subsequent application.

**14.**—(1) Subsection 1 of section 79 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 202, s. 79,  
subs. 1,  
re-enacted

- (1) The Board has exclusive jurisdiction to exercise the powers conferred upon it by or under this Act and to determine all questions of fact or law that arise in any matter before it, and the action or decision of the Board thereon is final and conclusive for all purposes, but nevertheless the Board may at any time, if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling. Jurisdiction

(2) The said section 79 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 79,  
amended

- (3) Where the Board has authorized a person to make an inquiry under clause *h* of subsection 2 of section 77, his findings and conclusions on facts are final and conclusive for all purposes. Findings  
of hearing-  
officer  
conclusive

**15.** Subsection 3 of section 83 of *The Labour Relations Act* is amended by inserting after "Board" in the third line "or as authorized by the Board", so that the subsection shall read as follows: R.S.O. 1960,  
c. 202, s. 83,  
subs. 3,  
amended

Secrecy of  
information  
given field  
officers

- (3) No information or material furnished to or received by a field officer under this Act and no report of a field officer shall be disclosed except to the Board or as authorized by the Board, and no member of the Board and no field officer is a competent or compellable witness in proceedings before a court or other tribunal respecting any such information, material or report.

R.S.O. 1960,  
c. 202, s. 85,  
subs. 3,  
amended

**16.** Subsection 3 of section 85 of *The Labour Relations Act* is amended by inserting after "Board" in the first line "a notice from the Minister that he does not deem it advisable to appoint a conciliation board", so that the subsection shall read as follows:

Time of  
release of  
certain  
documents

- (3) A decision or determination of the Board, a notice from the Minister that he does not deem it advisable to appoint a conciliation board, a report of a conciliation board or a mediator, a decision of an arbitrator or arbitration board or an interim order or a direction of a jurisdictional disputes commission, if sent by registered mail to the person, employers' organization, trade union or council of trade unions concerned addressed to him or it at his or its last known address, shall be deemed to have been released on the second day after the date on which it was so mailed.

R.S.O. 1960,  
c. 202,  
amended

**17.** *The Labour Relations Act* is amended by adding thereto the following sections:

#### CONSTRUCTION INDUSTRY

Interpre-  
tation

90. In sections 91 to 96,

- (a) "employer" means a person who operates a business in the construction industry;
- (b) "trade union" means a trade union that according to established trade union practice pertains to the construction industry.

Conflict

91. Where there is conflict between any provision in sections 92 to 96 and any provision in sections 5 to 89, the provisions in sections 92 to 96 prevail.

Bargaining  
units in the  
construction  
industry

92.—(1) Where a trade union applies for certification as bargaining agent of the employees of an employer, the Board shall determine the unit of employees

**SECTION 16.** The words inserted were omitted inadvertently when the provision was enacted.

**SECTION 17.** These provisions implement recommendations of the Royal Commission on Labour-Management Relations in the Construction Industry.

Section  
the

Revelation  
Indicated

that is appropriate for collective bargaining by reference to a geographic area and it shall not confine the unit to a particular project.

- (2) In determining whether a trade union to which subsection 1 applies has met the requirements of subsection 2 of section 7, the Board need not have regard to any increase in the number of employees in the bargaining unit after the application was made. Determination of number of members in bargaining unit

93.—(1) Where notice has been given by a trade union to an employer under section 11 or by a trade union or a council of trade unions or an employer or employers' organization under section 40, the parties shall meet within five days from the giving of such notice or within such further period as the parties agree upon. Notice of desire to bargain

- (2) The Board shall grant a request that conciliation services be made available to the parties referred to in subsection 1 where ten or more days have elapsed from the giving of notice under section 11 or 40, or upon the joint request of the parties, or where the Board is satisfied that no progress in bargaining is being made, but before doing so it may postpone the granting of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime. Where request for conciliation services may be granted

- (3) Where the Board has granted a request for conciliation services under subsection 2, the period mentioned in subsection 1 of section 15 may be extended only by agreement of the parties referred to in subsection 1. Extension of 14-day period for conciliation officer

- (4) Where the Board has granted a request for conciliation services under subsection 2 and the conciliation officer is unable to effect a collective agreement within the time allowed, the Minister shall, unless the parties inform him in writing that they desire him to appoint a conciliation board, forthwith by notice in writing inform each of the parties that he does not deem it advisable to appoint a conciliation board. Appointment of conciliation board

- (5) Where a conciliation board has been appointed pursuant to the desire of the parties expressed under subsection 4, it shall report its findings and recommendations to the Minister within fourteen days When report to be made

after its first sitting, but this period may be extended by agreement of the parties for such further period, not exceeding ninety days, except with the consent of the Minister, as they deem desirable.

Absence of  
bargaining  
committee,  
etc.

- 94.—(1) Where a trade union has given notice to an employer under section 11 or notice has been given by a trade union or an employer or employers' organization under section 40, the trade union, council of trade unions, employer or employers' organization, as the case may be, shall meet and bargain and make every reasonable effort to make a collective agreement notwithstanding the failure of the trade union or council of trade unions to be represented by a bargaining committee of employees or the fact that there were no employees in the bargaining unit or units at the time the notice was given or during the period of bargaining.

What  
deemed to  
be a  
collective  
agreement

- (2) An agreement in writing between an employer or employers' organization, on the one hand, and a trade union that has been certified as bargaining agent for a unit of employees of the employer, or a trade union or a council of trade unions that is entitled to require the employer or the employers' organization to bargain with it for the renewal, with or without modifications, of the agreement then in operation or for the making of a new agreement, on the other hand, shall be deemed to be a collective agreement notwithstanding that there were no employees in the bargaining unit or units affected at the time the agreement was entered into.

Notice of  
desire to  
bargain  
for new  
collective  
agreement

95. Each party to a collective agreement between an employer or employers' organization and a trade union or council of trade unions may, within the period of ninety days before the agreement ceases to operate, give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement.

Application  
for termina-  
tion, no  
agreement

- 96.—(1) If a trade union does not make a collective agreement with the employer within six months after its certification, any of the employees in the bargaining unit determined in the certificate may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit.



- (2) Notwithstanding subsection 2 of section 43, any of Agreement the employees in the bargaining unit defined in a first agreement between an employer and a trade union, where the trade union has not been certified as the bargaining agent of the employees of the employer in the bargaining unit, may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit after the 305th day of its operation and before the 365th day of its operation.

- (3) Subsections 3 to 7 of section 43 apply to an applica- Application of s. 43, subss. 3-7  
tion under subsection 1 or 2.

**18.**—(1) This Act, except subsection 1 of section 1 and sections 2, 4, 8, 9, 11 and 17, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Subsection 1 of section 1 and sections 2, 4, 8, 9, 11 and 17 <sup>Idem</sup> come into force on a day to be named by the Lieutenant Governor by his proclamation.

(3) Any such proclamation may apply to the whole or <sup>Idem</sup> any one or more sections or subsections of this Act, or to any one or more sections, subsections, clauses or subclauses of *The Labour Relations Act*, as enacted, re-enacted or <sup>R.S.O. 1960, c. 202</sup> amended by this Act, and proclamations for such purposes may be issued at different times.

**19.** This Act may be cited as *The Labour Relations Amendment Act, 1961-62*.

Short title

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THE LABOUR RELATIONS ACT  
The Labour Relations Act

*1st Reading*

April 11th, 1962

*2nd Reading*

*3rd Reading*

MR. WARRENDER

1961-62

# **BILL 168**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Labour Relations Act**

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**MR. WARRENDER**

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*(Reprinted as amended by the Committee on Labour)*

#### EXPLANATORY NOTES

SECTION 1—Subsection 1. Self-explanatory. The definition is required for the purposes of the several amendments that are being made to the Act in implementation of the Report of the Royal Commission on Labour-Management Relations in the Construction Industry. See section 17 of this Bill.

Subsection 2. The purpose of this amendment is to exclude Ontario land surveyors from the operation of the Act.

SECTION 2. This new section permits the Ontario Labour Relations Board to "re-grant" conciliation services.

## BILL 168

1961-62

## An Act to amend The Labour Relations Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Labour Relations Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 202, s. 1,  
subs. 1,  
amended

(*da*) "construction industry" means the businesses that are engaged in constructing, altering, decorating, repairing or demolishing buildings, structures, roads, sewers, water or gas mains, pipe lines, tunnels, bridges, canals or other works at the site thereof.

(2) Clause *a* of subsection 3 of the said section 1 is amended by inserting after "engineering" in the first and second lines "land surveying", so that the clause shall read as follows: R.S.O. 1960,  
c. 202, s. 1,  
subs. 3, cl. *a*,  
amended

(*a*) who is a member of the architectural, dental, engineering, land surveying, legal or medical profession entitled to practise in Ontario and employed in a professional capacity; or

2. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 202,  
amended

13a. Notwithstanding anything in this Act, where the Board has granted a request for conciliation services and the parties have failed to enter into a collective agreement within fifteen months from the granting of the request, the Board may, upon the joint request of the parties that conciliation services again be made available to them, grant such request, and, upon such request being granted, sections 14 to 31 and 54 to 59 apply, but the granting of such request is not a bar to an application for certification or for a declaration that the trade union no longer represents the employees in the bargaining unit. Second  
conciliation

R.S.O. 1960,  
c. 202, s. 38,  
subss. 1, 2,  
amended

3. Subsections 1 and 2 of section 38 of *The Labour Relations Act* are amended by inserting after "trade union" wherever the expression appears "or council of trade unions", so that the subsections shall read as follows:

Binding  
effect of  
collective  
agreements  
on members  
of  
employers'  
organiza-  
tions

- (1) A collective agreement between an employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union or council of trade unions as if it was made between each of such persons and the trade union or council of trade unions, and, if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

Duty to  
disclose

- (2) When an employers' organization commences to bargain with a trade union or council of trade unions, it shall deliver to the trade union or council of trade unions a list of the names of the employers on whose behalf it is bargaining and, in default of so doing, it shall be deemed to bargain for all members of the employers' organization for whose employees the trade union or council of trade unions is entitled to bargain and to make a collective agreement at that time, except an employer who, either by himself or through the employers' organization, has notified the trade union or council of trade unions in writing before the agreement was entered into that he will not be bound by a collective agreement between the employers' organization and the trade union or council of trade unions.

R.S.O. 1960,  
c. 202,  
amended

4. *The Labour Relations Act* is amended by adding thereto the following section:

Declaration  
of successor  
employer

- 47a. Where an employer who is or was a party to or is or was bound by a collective agreement with a trade union, or on behalf of whose employees in an appropriate bargaining unit a trade union has been certified as bargaining agent, ceases to be the employer of the employees in the bargaining unit by reason of a sale, lease, transfer or other disposition of his business or part thereof, the Board, on the application of any person or trade union concerned, may declare,



**SECTION 3. Self-explanatory.**

**SECTION 4.** This new provision implements one of the recommendations of the Royal Commission on Labour-Management Relations in the Construction Industry. It is extended so as to be applicable to industry as a whole.

**SECTION 5.** This amendment brings the clause into line with recent judicial interpretation.

**SECTION 6.** The purpose of the new section 59a is to give protection against discrimination, loss of employment, etc., to a person who has testified or intends to testify before the Board.

The new section 59b is self-explanatory.

- (a) that the person to whom the business or part thereof has been sold, leased, transferred or otherwise disposed of, is bound by the collective agreement as if he had been a party thereto; or
- (b) whether or not a collective agreement is in operation binding upon the predecessor employer, that the trade union is the bargaining agent for the employees in the appropriate bargaining unit of the person to whom the business or part thereof has been sold, leased, transferred or otherwise disposed of, and is entitled to give to that person a notice that shall have the same force and effect as a notice under section 11 or 40, as the Board may direct; or
- (c) where in the opinion of the Board the person to whom the business or part thereof has been sold, leased, transferred or otherwise disposed of changes its character so that it is substantially different from the business of the predecessor employer, that the trade union is not the bargaining agent of his employees.

5. Clause *c* of section 50 of *The Labour Relations Act* is amended by inserting after "or" where it occurs the second time in the sixth line "to cease", so that the clause shall read as follows: R.S.O. 1960,  
c. 202, s. 50,  
cl. c,  
amended

- (c) shall seek by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or other penalty, or by any other means to compel an employee to become or refrain from becoming or to continue to be or to cease to be a member or officer or representative of a trade union or to cease to exercise any other rights under this Act.

6. *The Labour Relations Act* is amended by adding thereto the following sections: R.S.O. 1960,  
c. 202,  
amended

59a.—(1) No employer, employers' organization or person acting on behalf of an employer or employers' organization shall, Protection  
of  
witnesses'  
rights

- (a) refuse to employ or continue to employ a person;
- (b) threaten dismissal or otherwise threaten a person;

(c) discriminate against a person in regard to employment or a term or condition of employment; or

(d) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

Idem

(2) No trade union, council of trade unions or person acting on behalf of a trade union or council of trade unions shall,

(a) discriminate against a person in regard to employment or a term or condition of employment; or

(b) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

Removal,  
etc., of  
posted  
notices

59b. No person shall wilfully destroy, mutilate, obliterate, alter, deface or remove or cause to be destroyed, mutilated, obliterated, altered, defaced or removed any notice that the Board has required to be posted during the period that the notice is required to be posted.

R.S.O. 1960,  
c. 202,  
amended

7. *The Labour Relations Act* is amended by adding thereto the following section:

Representa-  
tive for  
service of  
process

63a.—(1) Every trade union and unincorporated employers' organization in Ontario that has members in Ontario shall, on or before the 31st day of December, 1962, or within fifteen days after it has enrolled its first member, whichever is later, file with the Board a notice in the prescribed form giving the

**SECTION 7.** This new provision is designed to facilitate service of processes, etc., on trade unions and unincorporated employers' organizations.

**SECTION 8.** These amendments are designed to clarify and strengthen the complaint proceedings of the Act.

name and address of a person resident in Ontario who is authorized by the trade union or unincorporated employers' organization to accept on its behalf service of process and notices under this Act.

- (2) Whenever a trade union or unincorporated employers' organization changes the authorization referred to in subsection 1, it shall file with the Board notice thereof in the prescribed form within fifteen days after making such change. Change in representative
- (3) Service on the person named in a notice or the latest notice, as the case may be, filed under subsection 1 is good and sufficient service for the purposes of this Act on the trade union or unincorporated employers' organization that filed the notice. Service on representative good and sufficient

8.—(1) Subsection 1 of section 65 of *The Labour Relations Act* is amended by adding at the end thereof "as to his employment, opportunity for employment or conditions of employment", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 65, subs. 1, amended

- (1) The Board may authorize a field officer to inquire into a complaint that a person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment. Inquiry by field officer

(2) Subsections 4 and 5 of the said section 65 are repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 65, subs. 4, 5, re-enacted

- (4) Where a field officer is unable to effect a settlement of the matter complained of, the Board may inquire into the complaint and, if it is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by an employer or other person or a trade union, it shall determine what, if anything, the employer, other person or trade union shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits, and the Remedy for discrimination

employer, other person or trade union shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination.

Enforce-  
ment of  
determina-  
tion

- (5) Where the employer or other person or the trade union has failed to comply with any of the terms of the determination, any employer, person or trade union affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons, if any, therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Effect of  
settlement

- (6) Where the matter complained of has been settled, whether through the endeavours of the field officer or otherwise, and the terms of the settlement have been put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the employer or other person and the trade union who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the employer or other person or the trade union who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint that a person has been dealt with contrary to the Act as to his employment, opportunity for employment or conditions of employment, as the case may be.

R.S.O. 1960,  
c. 202, s. 69,  
subs. 1,  
amended

9.—(1) Subsection 1 of section 69 of *The Labour Relations Act* is amended by inserting after "decision" in the third line "determination, interim order", so that the subsection shall read as follows:

Offences

- (1) Every person, trade union, council of trade unions or employers' organization that contravenes any provision of this Act or of any decision, determination, interim order, order, direction, declaration or ruling made under this Act is guilty of an offence and on summary conviction is liable,

(a) if an individual, to a fine of not more than \$100; or



SECTION 9. The intent is clarified.

**SECTION 10—Subsection 1. Self-explanatory.**

**Subsection 2. The intent is clarified.**

**Subsection 3. Self-explanatory.**

- (b) if a corporation, trade union, council of trade unions or employers' organization, to a fine of not more than \$1,000.

(2) Subsection 2 of the said section 69 is amended by inserting after "decision" in the third line "determination, interim order", so that the subsection shall read as follows: R.S.O. 1960,  
c. 202, s. 69,  
subs. 2,  
amended

- (2) Each day that a person, trade union, council of trade unions or employers' organization contravenes any provision of this Act or of any decision, determination, interim order, order, direction, declaration or ruling made under this Act constitutes a separate offence. Continued  
offences

**10.—**(1) Section 75 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 75,  
amended

- (3a) One of the divisions of the Board shall be designated by the chairman as the construction industry division, and it shall exercise the powers of the Board under this Act in proceedings to which sections 90 to 96 apply, but nothing in this subsection impairs the authority of any other division to exercise such powers. Construction  
industry  
division

(2) Subsection 9 of the said section 75 is amended by inserting after "procedure" in the sixth line "and the exercise of its powers", so that the subsection shall read as follows: R.S.O. 1960,  
c. 202, s. 75,  
subs. 9,  
amended

- (9) The Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Board may, subject to the approval of the Lieutenant Governor in Council, make rules governing its practice and procedure and the exercise of its powers and prescribing such forms as are deemed advisable. practice and  
procedure,  
etc.

(3) The said section 75 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 75,  
amended

- (9a) The Board may, subject to the approval of the Lieutenant Governor in Council, make rules to expedite proceedings to which sections 90 to 96 apply, and such rules may provide that, for the purposes of determining the merits of an application for certification to which sections 90 to 92 apply, the Board shall make or cause to be made such examination of records and such other inquiries as it deems necessary, but the Board need not hold a hearing on such an application. Rules appli-  
cable to  
construction  
industry

R.S.O. 1960,  
c. 202, s. 76,  
amended

**11.** Section 76 of *The Labour Relations Act* is amended by adding at the end thereof "and he may determine the industry or industries or business or businesses in which each of such commissions shall exercise the powers conferred on a commission by section 66", so that the section shall read as follows:

Juris-  
dictional  
disputes  
commissions

76. The Lieutenant Governor in Council may appoint one or more jurisdictional disputes commissions and each of such commissions shall be composed of one or more persons as he determines, and he may determine the industry or industries or business or businesses in which each of such commissions shall exercise the powers conferred on a commission by section 66.

R.S.O. 1960,  
c. 202, s. 77,  
subs. 2, cl. e,  
amended

**12.**—(1) Clause *e* of subsection 2 of section 77 of *The Labour Relations Act* is amended by adding at the end thereof "and post therein any notice referred to in clause *d*", so that the clause shall read as follows:

(*e*) to enter any premises where work is being or has been done by the employees or in which the employer carries on business, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter and post therein any notice referred to in clause *d*.

R.S.O. 1960,  
c. 202, s. 77,  
subs. 2, cl. h,  
re-enacted

(2) Clause *h* of subsection 2 of the said section 77 is repealed and the following substituted therefor:

(*h*) to authorize the chairman, the vice-chairman or a deputy vice-chairman to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Board, or any part of any of them, and to report to the Board thereon.

R.S.O. 1960,  
c. 202, s. 77,  
amended

(3) The said section 77 is amended by adding thereto the following subsection:

Subsequent  
applications  
for certi-  
fication, etc.

(3) Notwithstanding sections 5 and 43, where an application has been made for certification of a trade union as bargaining agent for employees in a bargaining unit or for a declaration that the trade union no longer represents the employees in a bargaining unit and a final decision of the application has not been issued by the Board at the time a subsequent application for such certification or for such a declaration is made with respect to any of the employees affected by the original application, the Board may,

**SECTION 11.** This amendment clarifies the powers of the Lieutenant Governor in Council with respect to the appointment of jurisdictional disputes commissions.

**SECTION 12—Subsection 1.** This amendment will authorize officers of the Ontario Labour Relations Board to post notices of matters before the Board in places where the employees concerned are working.

**Subsection 2.** This provision authorizes the Ontario Labour Relations Board to delegate its powers of inquiry with respect to any matter before the Board.

The amendment will enable the Board to authorize a delegate to inquire into and report upon any part of any such matter.

**Subsection 3.** This new provision will enable the Ontario Labour Relations Board to deal fairly with the interests of all concerned where conflicting applications are made with respect to the bargaining rights of substantially the same group of employees.

**SECTION 13—Subsection 1.** The intent is clarified.

**Subsection 2.** This new subsection implements a recommendation of the Royal Commission on Labour-Management Relations in the Construction Industry.

**SECTION 14.** Self-explanatory.

- (a) treat the subsequent application as having been made on the date of the making of the original application;
- (b) postpone consideration of the subsequent application until a final decision has been issued on the original application and thereafter consider the subsequent application but subject to any final decision issued by the Board on the original application; or
- (c) refuse to entertain the subsequent application.

**13.—**(1) Subsection 1 of section 79 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 202, s. 79,  
subs. 1,  
re-enacted

- (1) The Board has exclusive jurisdiction to exercise the powers conferred upon it by or under this Act and to determine all questions of fact or law that arise in any matter before it, and the action or decision of the Board thereon is final and conclusive for all purposes, but nevertheless the Board may at any time, if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling. Jurisdiction

(2) The said section 79 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 79,  
amended

- (3) Where the Board has authorized the chairman, the vice-chairman or a deputy vice-chairman to make an inquiry under clause *h* of subsection 2 of section 77, his findings and conclusions on facts are final and conclusive for all purposes, but nevertheless he may, if he considers it advisable to do so, reconsider his findings and conclusions on facts and vary or revoke any such finding or conclusion. Findings  
of hearing-  
officer  
conclusive

**14.** Subsection 3 of section 83 of *The Labour Relations Act* is amended by inserting after "Board" in the third line "or as authorized by the Board", so that the subsection shall read as follows: R.S.O. 1960,  
c. 202, s. 83,  
subs. 3,  
amended

- (3) No information or material furnished to or received by a field officer under this Act and no report of a field officer shall be disclosed except to the Board or as authorized by the Board, and no member of the Board and no field officer is a competent or compellable witness in proceedings before a court or other tribunal respecting any such information, material or report. Secrecy of  
information  
given field  
officers

R.S.O. 1960,  
c. 202, s. 85,  
subs. 3,  
amended

**15.** Subsection 3 of section 85 of *The Labour Relations Act* is amended by inserting after "Board" in the first line "a notice from the Minister that he does not deem it advisable to appoint a conciliation board", so that the subsection shall read as follows:

Time of  
release of  
certain  
documents

- (3) A decision or determination of the Board, a notice from the Minister that he does not deem it advisable to appoint a conciliation board, a report of a conciliation board or a mediator, a decision of an arbitrator or arbitration board or an interim order or a direction of a jurisdictional disputes commission, if sent by registered mail to the person, employers' organization, trade union or council of trade unions concerned addressed to him or it at his or its last known address, shall be deemed to have been released on the second day after the date on which it was so mailed.

R.S.O. 1960,  
c. 202,  
amended

**16.** *The Labour Relations Act* is amended by adding thereto the following sections:

#### CONSTRUCTION INDUSTRY

Interpre-  
tation

90. In sections 91 to 96,

- (a) "employer" means a person who operates a business in the construction industry;
- (b) "trade union" means a trade union that according to established trade union practice pertains to the construction industry.

Conflict

91. Where there is conflict between any provision in sections 92 to 96 and any provision in sections 5 to 89, the provisions in sections 92 to 96 prevail.

Bargaining  
units in the  
construction  
industry

92.—(1) Where a trade union applies for certification as bargaining agent of the employees of an employer, the Board shall determine the unit of employees that is appropriate for collective bargaining by reference to a geographic area and it shall not confine the unit to a particular project.

Determina-  
tion of  
number of  
members in  
bargaining  
unit

(2) In determining whether a trade union to which subsection 1 applies has met the requirements of subsection 2 of section 7, the Board need not have regard to any increase in the number of employees in the bargaining unit after the application was made.



**SECTION 15.** The words inserted were omitted inadvertently when the provision was enacted.

**SECTION 16.** These provisions implement recommendations of the Royal Commission on Labour-Management Relations in the Construction Industry.

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- 93.—(1) Where notice has been given by a trade union to an employer under section 11 or by a trade union or a council of trade unions or an employer or employers' organization under section 40, the parties shall meet within five days from the giving of such notice or within such further period as the parties agree upon. Notice of desire to bargain
- (2) The Board shall grant a request that conciliation services be made available to the parties referred to in subsection 1 where ten or more days have elapsed from the giving of notice under section 11 or 40, or upon the joint request of the parties, or where the Board is satisfied that no progress in bargaining is being made, but before doing so it may postpone the granting of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime. Where request for conciliation services may be granted
- (3) Where the Board has granted a request for conciliation services under subsection 2, the period mentioned in subsection 1 of section 15 may be extended only by agreement of the parties referred to in subsection 1. Extension of 14-day period for conciliation officer
- (4) Where the Board has granted a request for conciliation services under subsection 2 and the conciliation officer is unable to effect a collective agreement within the time allowed, the Minister shall, unless the parties inform him in writing that they desire him to appoint a conciliation board, forthwith by notice in writing inform each of the parties that he does not deem it advisable to appoint a conciliation board. Appointment of conciliation board
- (5) Where a conciliation board has been appointed pursuant to the desire of the parties expressed under subsection 4, it shall report its findings and recommendations to the Minister within fourteen days after its first sitting, but this period may be extended by agreement of the parties for such further period, not exceeding ninety days, except with the consent of the Minister, as they deem desirable. When report to be made
- 94.—(1) Where a trade union has given notice to an employer under section 11 or notice has been given by a trade union, council of trade unions or an employer or employers' organization under section 40 and there are no employees in the bargaining unit Absence of bargaining committee, etc.

at the time the notice was given or during the period of bargaining, subsections 4, 5 and 6 of section 13 do not apply.

What  
deemed to  
be a  
collective  
agreement

- (2) An agreement in writing between an employer or employers' organization, on the one hand, and a trade union that has been certified as bargaining agent for a unit of employees of the employer, or a trade union or a council of trade unions that is entitled to require the employer or the employers' organization to bargain with it for the renewal, with or without modifications, of the agreement then in operation or for the making of a new agreement, on the other hand, shall be deemed to be a collective agreement notwithstanding that there were no employees in the bargaining unit or units affected at the time the agreement was entered into.

Notice of  
desire to  
bargain  
for new  
collective  
agreement

95. Each party to a collective agreement between an employer or employers' organization and a trade union or council of trade unions may, within the period of ninety days before the agreement ceases to operate, give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement.

Application  
for termina-  
tion, no  
agreement

- 96.—(1) If a trade union does not make a collective agreement with the employer within six months after its certification, any of the employees in the bargaining unit determined in the certificate may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit.

Agreement

- (2) Notwithstanding subsection 2 of section 43, any of the employees in the bargaining unit defined in a first agreement between an employer and a trade union, where the trade union has not been certified as the bargaining agent of the employees of the employer in the bargaining unit, may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit after the 305th day of its operation and before the 365th day of its operation.

Application  
of s. 43,  
subss. 3-7

- (3) Subsections 3 to 7 of section 43 apply to an application under subsection 1 or 2.

**17.—**(1) This Act, except subsection 1 of section 1 and sections 2, 4, 8, 10 and 16, comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Subsection 1 of section 1 and sections 2, 4, 8, 10 and 16 <sup>Idem</sup> come into force on a day to be named by the Lieutenant Governor by his proclamation.

(3) Any such proclamation may apply to the whole or <sup>Idem</sup> any one or more sections or subsections of this Act, or to any one or more sections, subsections, clauses or subclauses of *The Labour Relations Act*, as enacted, re-enacted or amended by this Act, and proclamations for such purposes <sup>R.S.O. 1960,  
c. 202</sup> may be issued at different times.

**18.** This Act may be cited as *The Labour Relations Amendment Act, 1961-62*. <sup>Short title</sup>

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The Labour Relations Act

*1st Reading*

April 11th, 1962

*2nd Reading*

April 13th, 1962

*3rd Reading*

MR. WARRENDER

*(Reprinted as amended by the  
Committee on Labour)*



# **BILL 168**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Labour Relations Act**

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**MR. WARRENDER**

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## BILL 168

1961-62

## An Act to amend The Labour Relations Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Labour Relations Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 202, s. 1,  
subs. 1,  
amended

(da) "construction industry" means the businesses that are engaged in constructing, altering, decorating, repairing or demolishing buildings, structures, roads, sewers, water or gas mains, pipe lines, tunnels, bridges, canals or other works at the site thereof.

(2) Clause *a* of subsection 3 of the said section 1 is amended by inserting after "engineering" in the first and second lines "land surveying", so that the clause shall read as follows: R.S.O. 1960,  
c. 202, s. 1,  
subs. 3, cl. *a*,  
amended

(a) who is a member of the architectural, dental, engineering, land surveying, legal or medical profession entitled to practise in Ontario and employed in a professional capacity; or

2. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 202,  
amended

13a. Notwithstanding anything in this Act, where the Board has granted a request for conciliation services and the parties have failed to enter into a collective agreement within fifteen months from the granting of the request, the Board may, upon the joint request of the parties that conciliation services again be made available to them, grant such request, and, upon such request being granted, sections 14 to 31 and 54 to 59 apply, but the granting of such request is not a bar to an application for certification or for a declaration that the trade union no longer represents the employees in the bargaining unit. Second  
conciliation

R.S.O. 1960,  
c. 202, s. 38,  
subss. 1, 2,  
amended

3. Subsections 1 and 2 of section 38 of *The Labour Relations Act* are amended by inserting after "trade union" wherever the expression appears "or council of trade unions", so that the subsections shall read as follows:

Binding  
effect of  
collective  
agreements  
on members  
of  
employers'  
organiza-  
tions

- (1) A collective agreement between an employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union or council of trade unions as if it was made between each of such persons and the trade union or council of trade unions, and, if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

Duty to  
disclose

- (2) When an employers' organization commences to bargain with a trade union or council of trade unions, it shall deliver to the trade union or council of trade unions a list of the names of the employers on whose behalf it is bargaining and, in default of so doing, it shall be deemed to bargain for all members of the employers' organization for whose employees the trade union or council of trade unions is entitled to bargain and to make a collective agreement at that time, except an employer who, either by himself or through the employers' organization, has notified the trade union or council of trade unions in writing before the agreement was entered into that he will not be bound by a collective agreement between the employers' organization and the trade union or council of trade unions.

R.S.O. 1960,  
c. 202,  
amended

4. *The Labour Relations Act* is amended by adding thereto the following section:

Declaration  
of successor  
employer

- 47a. Where an employer who is or was a party to or is or was bound by a collective agreement with a trade union, or on behalf of whose employees in an appropriate bargaining unit a trade union has been certified as bargaining agent, ceases to be the employer of the employees in the bargaining unit by reason of a sale, lease, transfer or other disposition of his business or part thereof, the Board, on the application of any person or trade union concerned, may declare,

- (a) that the person to whom the business or part thereof has been sold, leased, transferred or otherwise disposed of, is bound by the collective agreement as if he had been a party thereto; or
- (b) whether or not a collective agreement is in operation binding upon the predecessor employer, that the trade union is the bargaining agent for the employees in the appropriate bargaining unit of the person to whom the business or part thereof has been sold, leased, transferred or otherwise disposed of, and is entitled to give to that person a notice that shall have the same force and effect as a notice under section 11 or 40, as the Board may direct; or
- (c) where in the opinion of the Board the person to whom the business or part thereof has been sold, leased, transferred or otherwise disposed of changes its character so that it is substantially different from the business of the predecessor employer, that the trade union is not the bargaining agent of his employees.

5. Clause *c* of section 50 of *The Labour Relations Act* is amended by inserting after "or" where it occurs the second time in the sixth line "to cease", so that the clause shall read as follows: R.S.O. 1960,  
c. 202, s. 50,  
cl. c,  
amended

- (c) shall seek by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or other penalty, or by any other means to compel an employee to become or refrain from becoming or to continue to be or to cease to be a member or officer or representative of a trade union or to cease to exercise any other rights under this Act.

6. *The Labour Relations Act* is amended by adding thereto the following sections: R.S.O. 1960,  
c. 202,  
amended

59a.—(1) No employer, employers' organization or person acting on behalf of an employer or employers' organization shall, Protection  
of  
witnesses'  
rights

- (a) refuse to employ or continue to employ a person;
- (b) threaten dismissal or otherwise threaten a person;

- (c) discriminate against a person in regard to employment or a term or condition of employment; or
- (d) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

Idem

- (2) No trade union, council of trade unions or person acting on behalf of a trade union or council of trade unions shall,

- (a) discriminate against a person in regard to employment or a term or condition of employment; or
- (b) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

Removal,  
etc., of  
posted  
notices

- 59b. No person shall wilfully destroy, mutilate, obliterate, alter, deface or remove or cause to be destroyed, mutilated, obliterated, altered, defaced or removed any notice that the Board has required to be posted during the period that the notice is required to be posted.

R.S.O. 1960,  
c. 202,  
amended

7. *The Labour Relations Act* is amended by adding thereto the following section:

Representa-  
tive for  
service of  
process

- 63a.—(1) Every trade union and unincorporated employers' organization in Ontario that has members in Ontario shall, on or before the 31st day of December, 1962, or within fifteen days after it has enrolled its first member, whichever is later, file with the Board a notice in the prescribed form giving the

name and address of a person resident in Ontario who is authorized by the trade union or unincorporated employers' organization to accept on its behalf service of process and notices under this Act.

- (2) Whenever a trade union or unincorporated employers' organization changes the authorization referred to in subsection 1, it shall file with the Board notice thereof in the prescribed form within fifteen days after making such change. Change in representative
- (3) Service on the person named in a notice or the latest notice, as the case may be, filed under subsection 1 is good and sufficient service for the purposes of this Act on the trade union or unincorporated employers' organization that filed the notice. Service on representative good and sufficient

8.—(1) Subsection 1 of section 65 of *The Labour Relations Act* is amended by adding at the end thereof "as to his employment, opportunity for employment or conditions of employment", so that the subsection shall read as follows: R.S.O. 1960, c. 202, s. 65, subs. 1, amended

- (1) The Board may authorize a field officer to inquire into a complaint that a person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment. Inquiry by field officer

(2) Subsections 4 and 5 of the said section 65 are repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 65, subs. 4, 5, re-enacted

- (4) Where a field officer is unable to effect a settlement of the matter complained of, the Board may inquire into the complaint and, if it is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by an employer or other person or a trade union, it shall determine what, if anything, the employer, other person or trade union shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits, and the Remedy for discrimination

employer, other person or trade union shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination.

Enforce-  
ment of  
determina-  
tion

- (5) Where the employer or other person or the trade union has failed to comply with any of the terms of the determination, any employer, person or trade union affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons, if any, therefor, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Effect of  
settlement

- (6) Where the matter complained of has been settled, whether through the endeavours of the field officer or otherwise, and the terms of the settlement have been put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the employer or other person and the trade union who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the employer or other person or the trade union who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint that a person has been dealt with contrary to the Act as to his employment, opportunity for employment or conditions of employment, as the case may be.

R.S.O. 1960,  
c. 202, s. 69,  
subs. 1,  
amended

9.—(1) Subsection 1 of section 69 of *The Labour Relations Act* is amended by inserting after "decision" in the third line "determination, interim order", so that the subsection shall read as follows:

Offences

- (1) Every person, trade union, council of trade unions or employers' organization that contravenes any provision of this Act or of any decision, determination, interim order, order, direction, declaration or ruling made under this Act is guilty of an offence and on summary conviction is liable,

(a) if an individual, to a fine of not more than \$100; or



- (b) if a corporation, trade union, council of trade unions or employers' organization, to a fine of not more than \$1,000.

(2) Subsection 2 of the said section 69 is amended by inserting after "decision" in the third line "determination, interim order", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 69,  
subs. 2,  
amended

- (2) Each day that a person, trade union, council of trade unions or employers' organization contravenes any provision of this Act or of any decision, determination, interim order, order, direction, declaration or ruling made under this Act constitutes a separate offence.

Continued  
offences

10.—(1) Section 75 of *The Labour Relations Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 202, s. 75,  
amended

- (3a) One of the divisions of the Board shall be designated by the chairman as the construction industry division, and it shall exercise the powers of the Board under this Act in proceedings to which sections 90 to 96 apply, but nothing in this subsection impairs the authority of any other division to exercise such powers.

Construction  
industry  
division

(2) Subsection 9 of the said section 75 is amended by inserting after "procedure" in the sixth line "and the exercise of its powers", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 75,  
subs. 9,  
amended

- (9) The Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Board may, subject to the approval of the Lieutenant Governor in Council, make rules governing its practice and procedure and the exercise of its powers and prescribing such forms as are deemed advisable.

practice and  
procedure,  
etc.

(3) The said section 75 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 202, s. 75,  
amended

- (9a) The Board may, subject to the approval of the Lieutenant Governor in Council, make rules to expedite proceedings to which sections 90 to 96 apply, and such rules may provide that, for the purposes of determining the merits of an application for certification to which sections 90 to 92 apply, the Board shall make or cause to be made such examination of records and such other inquiries as it deems necessary, but the Board need not hold a hearing on such an application.

Rules appli-  
cable to  
construction  
industry

R.S.O. 1960,  
c. 202, s. 76,  
amended

**11.** Section 76 of *The Labour Relations Act* is amended by adding at the end thereof "and he may determine the industry or industries or business or businesses in which each of such commissions shall exercise the powers conferred on a commission by section 66", so that the section shall read as follows:

Juris-  
dictional  
disputes  
commissions

76. The Lieutenant Governor in Council may appoint one or more jurisdictional disputes commissions and each of such commissions shall be composed of one or more persons as he determines, and he may determine the industry or industries or business or businesses in which each of such commissions shall exercise the powers conferred on a commission by section 66.

R.S.O. 1960,  
c. 202, s. 77,  
subs. 2, cl. e,  
amended

**12.**—(1) Clause *e* of subsection 2 of section 77 of *The Labour Relations Act* is amended by adding at the end thereof "and post therein any notice referred to in clause *d*", so that the clause shall read as follows:

(*e*) to enter any premises where work is being or has been done by the employees or in which the employer carries on business, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter and post therein any notice referred to in clause *d*.

R.S.O. 1960,  
c. 202, s. 77,  
subs. 2, cl. h,  
re-enacted

(2) Clause *h* of subsection 2 of the said section 77 is repealed and the following substituted therefor:

(*h*) to authorize the chairman, the vice-chairman or a deputy vice-chairman to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Board, or any part of any of them, and to report to the Board thereon.

R.S.O. 1960,  
c. 202, s. 77,  
amended

(3) The said section 77 is amended by adding thereto the following subsection:

Subsequent  
applications  
for certi-  
fication, etc.

(3) Notwithstanding sections 5 and 43, where an application has been made for certification of a trade union as bargaining agent for employees in a bargaining unit or for a declaration that the trade union no longer represents the employees in a bargaining unit and a final decision of the application has not been issued by the Board at the time a subsequent application for such certification or for such a declaration is made with respect to any of the employees affected by the original application, the Board may,

- (a) treat the subsequent application as having been made on the date of the making of the original application;
- (b) postpone consideration of the subsequent application until a final decision has been issued on the original application and thereafter consider the subsequent application but subject to any final decision issued by the Board on the original application; or
- (c) refuse to entertain the subsequent application.

**13.**—(1) Subsection 1 of section 79 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 202, s. 79,  
subs. 1,  
re-enacted

- (1) The Board has exclusive jurisdiction to exercise the Jurisdiction  
powers conferred upon it by or under this Act and to determine all questions of fact or law that arise in any matter before it, and the action or decision of the Board thereon is final and conclusive for all purposes, but nevertheless the Board may at any time, if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling.

(2) The said section 79 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 79,  
amended

- (3) Where the Board has authorized the chairman, the vice-chairman or a deputy vice-chairman to make an inquiry under clause *h* of subsection 2 of section 77, his findings and conclusions on facts are final and conclusive for all purposes, but nevertheless he may, if he considers it advisable to do so, reconsider his findings and conclusions on facts and vary or revoke any such finding or conclusion. Findings  
of hearing-  
officer  
conclusive

**14.** Subsection 3 of section 83 of *The Labour Relations Act* is amended by inserting after "Board" in the third line "or as authorized by the Board", so that the subsection shall read as follows: R.S.O. 1960,  
c. 202, s. 83,  
subs. 3,  
amended

- (3) No information or material furnished to or received by a field officer under this Act and no report of a field officer shall be disclosed except to the Board or as authorized by the Board, and no member of the Board and no field officer is a competent or compellable witness in proceedings before a court or other tribunal respecting any such information, material or report. Secrecy of  
information  
given field  
officers

R.S.O. 1960,  
c. 202, s. 85,  
subs. 3,  
amended

**15.** Subsection 3 of section 85 of *The Labour Relations Act* is amended by inserting after "Board" in the first line "a notice from the Minister that he does not deem it advisable to appoint a conciliation board", so that the subsection shall read as follows:

Time of  
release of  
certain  
documents

- (3) A decision or determination of the Board, a notice from the Minister that he does not deem it advisable to appoint a conciliation board, a report of a conciliation board or a mediator, a decision of an arbitrator or arbitration board or an interim order or a direction of a jurisdictional disputes commission, if sent by registered mail to the person, employers' organization, trade union or council of trade unions concerned addressed to him or it at his or its last known address, shall be deemed to have been released on the second day after the date on which it was so mailed.

R.S.O. 1960,  
c. 202,  
amended

**16.** *The Labour Relations Act* is amended by adding thereto the following sections:

#### CONSTRUCTION INDUSTRY

Interpre-  
tation

90. In sections 91 to 96,

- (a) "employer" means a person who operates a business in the construction industry;
- (b) "trade union" means a trade union that according to established trade union practice pertains to the construction industry.

Conflict

91. Where there is conflict between any provision in sections 92 to 96 and any provision in sections 5 to 89, the provisions in sections 92 to 96 prevail.

Bargaining  
units in the  
construction  
industry

92.—(1) Where a trade union applies for certification as bargaining agent of the employees of an employer, the Board shall determine the unit of employees that is appropriate for collective bargaining by reference to a geographic area and it shall not confine the unit to a particular project.

Determina-  
tion of  
number of  
members in  
bargaining  
unit

(2) In determining whether a trade union to which subsection 1 applies has met the requirements of subsection 2 of section 7, the Board need not have regard to any increase in the number of employees in the bargaining unit after the application was made.

- 93.—(1) Where notice has been given by a trade union to an employer under section 11 or by a trade union or a council of trade unions or an employer or employers' organization under section 40, the parties shall meet within five days from the giving of such notice or within such further period as the parties agree upon. Notice of desire to bargain
- (2) The Board shall grant a request that conciliation services be made available to the parties referred to in subsection 1 where ten or more days have elapsed from the giving of notice under section 11 or 40, or upon the joint request of the parties, or where the Board is satisfied that no progress in bargaining is being made, but before doing so it may postpone the granting of the request from time to time to a specified date and direct the parties to continue to bargain in the meantime. Where request for conciliation services may be granted
- (3) Where the Board has granted a request for conciliation services under subsection 2, the period mentioned in subsection 1 of section 15 may be extended only by agreement of the parties referred to in subsection 1. Extension of 14-day period for conciliation officer
- (4) Where the Board has granted a request for conciliation services under subsection 2 and the conciliation officer is unable to effect a collective agreement within the time allowed, the Minister shall, unless the parties inform him in writing that they desire him to appoint a conciliation board, forthwith by notice in writing inform each of the parties that he does not deem it advisable to appoint a conciliation board. Appointment of conciliation board
- (5) Where a conciliation board has been appointed pursuant to the desire of the parties expressed under subsection 4, it shall report its findings and recommendations to the Minister within fourteen days after its first sitting, but this period may be extended by agreement of the parties for such further period, not exceeding ninety days, except with the consent of the Minister, as they deem desirable. When report to be made
- 94.—(1) Where a trade union has given notice to an employer under section 11 or notice has been given by a trade union, council of trade unions or an employer or employers' organization under section 40 and there are no employees in the bargaining unit Absence of bargaining committee, etc.

at the time the notice was given or during the period of bargaining, subsections 4, 5 and 6 of section 13 do not apply.

What  
deemed to  
be a  
collective  
agreement

- (2) An agreement in writing between an employer or employers' organization, on the one hand, and a trade union that has been certified as bargaining agent for a unit of employees of the employer, or a trade union or a council of trade unions that is entitled to require the employer or the employers' organization to bargain with it for the renewal, with or without modifications, of the agreement then in operation or for the making of a new agreement, on the other hand, shall be deemed to be a collective agreement notwithstanding that there were no employees in the bargaining unit or units affected at the time the agreement was entered into.

Notice of  
desire to  
bargain  
for new  
collective  
agreement

95. Each party to a collective agreement between an employer or employers' organization and a trade union or council of trade unions may, within the period of ninety days before the agreement ceases to operate, give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement.

Application  
for termina-  
tion, no  
agreement

- 96.—(1) If a trade union does not make a collective agreement with the employer within six months after its certification, any of the employees in the bargaining unit determined in the certificate may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit.

Agreement

- (2) Notwithstanding subsection 2 of section 43, any of the employees in the bargaining unit defined in a first agreement between an employer and a trade union, where the trade union has not been certified as the bargaining agent of the employees of the employer in the bargaining unit, may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit after the 305th day of its operation and before the 365th day of its operation.

Application  
of s. 43,  
subss. 3-7

- (3) Subsections 3 to 7 of section 43 apply to an application under subsection 1 or 2.

**17.—**(1) This Act, except subsection 1 of section 1 and sections 2, 4, 8, 10 and 16, comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Subsection 1 of section 1 and sections 2, 4, 8, 10 and 16 <sup>Idem</sup> come into force on a day to be named by the Lieutenant Governor by his proclamation.

(3) Any such proclamation may apply to the whole or <sup>Idem</sup> any one or more sections or subsections of this Act, or to any one or more sections, subsections, clauses or subclauses of *The Labour Relations Act*, as enacted, re-enacted or <sup>R.S.O. 1960.  
c. 202</sup> amended by this Act, and proclamations for such purposes may be issued at different times.

**18.** This Act may be cited as *The Labour Relations Amend-<sup>Short title</sup>  
ment Act, 1961-62.*

An Act to amend  
The Labour Relations Act

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*1st Reading*

April 11th, 1962

*2nd Reading*

April 13th, 1962

*3rd Reading*

April 18th, 1962

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MR. WARRENDER

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# **BILL 169**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to establish the Ontario Municipal Employees Retirement System**

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**MR. CASS**

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#### EXPLANATORY NOTE

The Ontario Municipal Employees Retirement System is established to provide pensions for employees of all municipalities and local boards on a uniform basis.

## BILL 169

1961-62

## An Act to establish the Ontario Municipal Employees Retirement System

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "approved pension plan" means a pension plan that has been established by a municipality or local board under any general or special Act;
- (b) "benefit" means a pension, refund or other payment that may be payable in accordance with the regulations to or with respect to a member;
- (c) "Board" means the Ontario Municipal Employees Retirement Board;
- (d) "earnings" means the salary or wages paid by an employer to a member and includes the value of any perquisites received from an employer;
- (e) "employee" means any person who is employed by an employer but does not include any person who contributes to a pension plan under *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*; R.S.O. 1960,  
cc. 392, 301,  
332
- (f) "employer" means a municipality or local board;
- (g) "Fund" means the Ontario Municipal Employees Retirement Fund;
- (h) "local board" means a local board as defined in *The Department of Municipal Affairs Act*, excluding a hospital board established under any general or special Act that operates a public hospital on behalf R.S.O. 1960,  
c. 98

of a municipality, and includes an agency of the Crown designated by the Lieutenant Governor in Council;

- (i) "member" means a person who has become a member of the System;
- (j) "Minister" means the Minister of Municipal Affairs;
- (k) "municipality" includes The Municipality of Metropolitan Toronto;
- (l) "pension" means an amount that is payable at periodic intervals in accordance with the regulations;
- (m) "prior service" means the service of an employee before the date upon which this Act and the regulations become applicable to the employer;
- (n) "regulations" means the regulations made under this Act;
- (o) "service" means employment by an employer of an employee for which the employee receives earnings;
- (p) "System" means the Ontario Municipal Employees Retirement System.

System  
established

**2.** A system is hereby established for the employees of municipalities and local boards to be known as the Ontario Municipal Employees Retirement System.

Board  
established

**3.—(1)** The Ontario Municipal Employees Retirement Board is hereby established as a corporation, and the management and administration of the System are vested in the Board.

Remunera-  
tion of  
members of  
Board

**(2)** The remuneration of the members of the Board shall be as recommended by the Board and approved by the Minister.

Officers  
and staff

**(3)** The Board shall appoint a secretary-treasurer, an auditor, an actuary and such legally qualified medical practitioners, advisors and employees as are necessary to carry out the responsibilities of the Board, and determine the remuneration and other rewards of employees and other persons engaged by the Board.

Board to  
pay over  
money

**(4)** The Board shall pay over to the Treasurer of Ontario from time to time money accumulated to the credit of the Fund and not required for current expenditures for the year.

(5) The Board may make such rules and regulations for the management and administration of the System as it deems <sup>Board rules and regulations</sup> advisable.

(6) The Board shall, after the close of each fiscal year, <sup>Annual report</sup> make a report upon its affairs during the preceding year to the Minister, and every such report shall contain a financial statement certified by the auditor, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

4.—(1) The Ontario Municipal Employees Retirement <sup>Fund established</sup> Fund is hereby established for the payment of pension benefits to members, their widows and children, in accordance with the regulations.

(2) The Fund shall include the cash, investments and other <sup>What Fund to include</sup> assets and the liabilities and the reserves of the Board.

(3) The contributions of the employers and of the members, <sup>Deposits in Fund</sup> the income from investments and any other credits of the Board shall be deposited in the Fund.

(4) The benefits and the expenses of the Board shall be paid <sup>Payments out of Fund</sup> out of the Fund.

5. The auditor appointed by the Board shall audit the <sup>Auditor</sup> transactions of the Board and shall make a report to the Board on the annual financial statement of the Fund and shall state in his report whether in his opinion the annual financial statement presents fairly the financial position of the Fund and the results of its operation for the year.

6.—(1) The actuary appointed by the Board shall make <sup>Actuarial valuation</sup> an actuarial study and valuation of the assets and liabilities of the Fund as required by the Board, but not less frequently than at three-year intervals, and shall report thereon to the Board and shall make such recommendations to the Board as he deems advisable for the proper management and administration of the System.

(2) The report to the Board shall include a statement of <sup>Idem</sup> the actuarial assumptions used by the actuary in the preparation of the valuation mentioned in subsection 1.

7.—(1) In each year during the period commencing on <sup>Issue Province of Ontario debentures until 1973</sup> the day this Act comes into force and ending on the 31st day of December, 1973, the Treasurer of Ontario shall issue Province of Ontario debentures for the amount of money

accumulated to the credit of the Fund from time to time and not required for current expenditures, such debentures to become due and payable on the 31st day of December, 1973, and to bear interest at the rate of 5 per cent per annum payable half-yearly.

1973 issue  
of 40-year  
debentures  
authorized

(2) On the 31st day of December, 1973, the Treasurer of Ontario shall issue Province of Ontario debentures for the amount of money accumulated in the Fund and not required for current expenditures and for the amount of the debentures issued under subsection 1, such debentures to become due and payable on the 31st day of December, 2013, and to bear interest at the rate of 5 per cent per annum payable half-yearly.

Debentures  
authorized,  
10-year  
periods

(3) In every year during each ten-year period following the 1st day of January, 1974, the Treasurer of Ontario shall issue Province of Ontario debentures for the amount of money accumulated to the credit of the Fund from time to time and not required for current expenditures, such debentures to become due and payable on the last day of such ten-year period and to bear interest payable half-yearly at a rate agreed upon at the beginning of such period between the Treasurer of Ontario and the Board and approved by the Lieutenant Governor in Council as being applicable for that period.

40-year  
debentures

(4) On the 31st day of December, 1983, and on the 31st day of December of each succeeding ten-year period, the Treasurer of Ontario shall issue Province of Ontario debentures for the amount of money accumulated in the Fund and not required for current expenditures and for the amount of the debentures issued during the next preceding ten-year period under subsection 3, such debentures to become due and payable at the end of a period of forty years from the date of issue and to bear interest at the same rate as the debentures issued under subsection 3 during the ten-year period next preceding the date of the issue of such forty-year debentures.

Charge on  
Consolidated  
Revenue  
Fund

(5) The Province of Ontario debentures issued under this section are a charge upon the Consolidated Revenue Fund.

Province of  
Ontario  
debentures  
authorized  
to be  
delivered

(6) The Treasurer of Ontario shall deliver to the Board the Province of Ontario debentures as authorized in this section,

- (a) upon delivery to him of a cheque drawn on the Fund for the principal amount of the debentures plus any accrued interest thereon;
- (b) upon delivery to him of an equal amount of Province of Ontario debentures that were issued under the authority of this section; or

- (c) upon delivery of a cheque and Province of Ontario debentures that were issued under the authority of this section, the sum of which is equal to the amount of the Province of Ontario debentures to be delivered.

**8.—(1)** Notwithstanding any general or special Act, on and after such date as is designated by the Lieutenant Governor in Council, an employer shall not make a contribution for the provision of a pension to, Contributions after designated date

- (a) a person who enters the employ of the employer on or after such date; or

- (b) a person who entered the employ of the employer before such date and is entitled to become a member,

unless the contributions required to be made in respect of such person under this Act and the regulations have been made.

(2) If an employer is required to make contributions to an approved pension plan under the terms of a bargaining agreement with respect to any employees, subsection 1 does not apply to the employer in respect of such employees until the agreement is terminated or until three years after the date designated under subsection 1, whichever is the earlier. Contributions under bargaining agreement

(3) Subsection 1 applies *mutatis mutandis* to employers who commence to participate in the System before the date designated under subsection 1. Application of subs. 1

**9.** The contributions of the members shall be as prescribed in the regulations. Contributions of members

**10.** The contributions of the employers who participate in the System shall be such an amount as is required, in addition to the contributions of the members and the interest earned by the Fund, to provide for the payment of the benefits and the expenses under the regulations. Contributions of employers

**11.** The interest of a person in the Fund and in any benefit under this Act is not subject to garnishment, attachment, seizure or other process of law, and is not assignable. No attachments, etc.

**12.** Any sum the payment of which has not been made by an employer as required in the regulations is a debt recoverable from the employer by the Board in a court of competent jurisdiction. Sum payable by employer recoverable

**Expenses of  
formation  
of system**

**13.** Notwithstanding subsection 4 of section 4, the expenses incurred by the Board in the formation of the System, as approved by the Lieutenant Governor in Council, shall be charged to the Consolidated Revenue Fund.

**Regulations**

**14.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the composition of the Board and the appointment of the members of the Board;
- (b) governing the operation and administration of the Board including the powers and duties of the officers and employees of the Board;
- (c) governing the administration of the Fund including the receipt, deposit and payment of all moneys of the Fund, the temporary investment of any moneys of the Fund, the receipt, safekeeping and delivery of securities of the Fund, the borrowing of such sums as are necessary and the procedures for the determination of benefits;
- (d) requiring participating employers to pay to the Fund the contributions of employers and members and to pay interest at a prescribed rate on amounts of contributions that are overdue and unpaid, and to furnish information to the Board;
- (e) authorizing the Board to accept securities or any class thereof from participating employers as a payment on account of contributions in respect of prior service, and to determine the price of the securities;
- (f) providing for the participation of employers and for the membership of employees in the System, and the terms and conditions upon which such participation and membership are permitted;
- (g) prescribing the rates of contributions of the members and the principles for the determination of the rates of contributions of the employers;
- (h) providing for and defining,
  - (i) a normal retirement pension,
  - (ii) a disability retirement pension,
  - (iii) a pension to the widow or children,



- (iv) a deferred pension,
- (v) an early retirement pension,
- (vi) a refund of the member's contributions, plus interest thereon,

and prescribing the terms and conditions upon which such benefits shall be paid;

- (i) providing for the transfer from or to the Fund of a pension entitlement;
- (j) prescribing the terms and conditions upon which pensions in respect of prior service may be provided;
- (k) prescribing the duties of employers and of members with respect to the System;
- (l) prescribing the duties and liabilities of members and their employers with respect to contributions and rights of employees and employers under approved pension plans;
- (m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**15.—(1)** An employer may by by-law or resolution participate in the System and pay to the Fund the total of the employer and employee contributions, and has all of the powers necessary and incidental thereto. Power of employer to participate in System

(2) No by-law or resolution passed under subsection 1 shall be amended or repealed without the approval of the Minister. Amendment or repeal

**16.** This Act comes into force on the day it receives Royal Assent. Commencement

**17.** This Act may be cited as *The Ontario Municipal Employees Retirement System Act, 1961-62*. Short title



14. 10. 1914

An Act to establish the Ontario  
Municipal Employees Retirement System

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*1st Reading*

April 11th, 1962

*2nd Reading*

*3rd Reading*

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MR. CASS

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# **BILL 169**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to establish the Ontario Municipal Employees Retirement System**

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**MR. CASS**

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## ACTIVITIES

## An Act to establish the Ontario Municipal Employees Retirement System

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "approved pension plan" means a pension plan that has been established by a municipality or local board under any general or special Act;
- (b) "benefit" means a pension, refund or other payment that may be payable in accordance with the regulations to or with respect to a member;
- (c) "Board" means the Ontario Municipal Employees Retirement Board;
- (d) "earnings" means the salary or wages paid by an employer to a member and includes the value of any perquisites received from an employer;
- (e) "employee" means any person who is employed by an employer but does not include any person who contributes to a pension plan under *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*; R.S.O. 1960,  
cc. 392, 301,  
332
- (f) "employer" means a municipality or local board;
- (g) "Fund" means the Ontario Municipal Employees Retirement Fund;
- (h) "local board" means a local board as defined in *The Department of Municipal Affairs Act*, excluding a hospital board established under any general or special Act that operates a public hospital on behalf R.S.O. 1960,  
c. 98

of a municipality, and includes an agency of the Crown designated by the Lieutenant Governor in Council;

- (i) "member" means a person who has become a member of the System;
- (j) "Minister" means the Minister of Municipal Affairs;
- (k) "municipality" includes The Municipality of Metropolitan Toronto;
- (l) "pension" means an amount that is payable at periodic intervals in accordance with the regulations;
- (m) "prior service" means the service of an employee before the date upon which this Act and the regulations become applicable to the employer;
- (n) "regulations" means the regulations made under this Act;
- (o) "service" means employment by an employer of an employee for which the employee receives earnings;
- (p) "System" means the Ontario Municipal Employees Retirement System.

System  
established

**2.** A system is hereby established for the employees of municipalities and local boards to be known as the Ontario Municipal Employees Retirement System.

Board  
established

**3.—(1)** The Ontario Municipal Employees Retirement Board is hereby established as a corporation, and the management and administration of the System are vested in the Board.

Remunera-  
tion of  
members of  
Board

**(2)** The remuneration of the members of the Board shall be as recommended by the Board and approved by the Minister.

Officers  
and staff

**(3)** The Board shall appoint a secretary-treasurer, an auditor, an actuary and such legally qualified medical practitioners, advisors and employees as are necessary to carry out the responsibilities of the Board, and determine the remuneration and other rewards of employees and other persons engaged by the Board.

Board to  
pay over  
money

**(4)** The Board shall pay over to the Treasurer of Ontario from time to time money accumulated to the credit of the Fund and not required for current expenditures for the year.



(5) The Board may make such rules and regulations for the Board management and administration of the System as it deems <sup>rules and regulations</sup> advisable.

(6) The Board shall, after the close of each fiscal year, <sup>Annual report</sup> make a report upon its affairs during the preceding year to the Minister, and every such report shall contain a financial statement certified by the auditor, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

4.—(1) The Ontario Municipal Employees Retirement <sup>Fund established</sup> Fund is hereby established for the payment of pension benefits to members, their widows and children, in accordance with the regulations.

(2) The Fund shall include the cash, investments and other <sup>What Fund to include</sup> assets and the liabilities and the reserves of the Board.

(3) The contributions of the employers and of the members, <sup>Deposits in Fund</sup> the income from investments and any other credits of the Board shall be deposited in the Fund.

(4) The benefits and the expenses of the Board shall be paid <sup>Payments out of Fund</sup> out of the Fund.

5. The auditor appointed by the Board shall audit the <sup>Auditor</sup> transactions of the Board and shall make a report to the Board on the annual financial statement of the Fund and shall state in his report whether in his opinion the annual financial statement presents fairly the financial position of the Fund and the results of its operation for the year.

6.—(1) The actuary appointed by the Board shall make <sup>Actuarial valuation</sup> an actuarial study and valuation of the assets and liabilities of the Fund as required by the Board, but not less frequently than at three-year intervals, and shall report thereon to the Board and shall make such recommendations to the Board as he deems advisable for the proper management and administration of the System.

(2) The report to the Board shall include a statement of <sup>Idem</sup> the actuarial assumptions used by the actuary in the preparation of the valuation mentioned in subsection 1.

7.—(1) In each year during the period commencing on <sup>Issue Province of Ontario debentures until 1973</sup> the day this Act comes into force and ending on the 31st day of December, 1973, the Treasurer of Ontario shall issue Province of Ontario debentures for the amount of money

accumulated to the credit of the Fund from time to time and not required for current expenditures, such debentures to become due and payable on the 31st day of December, 1973, and to bear interest at the rate of 5 per cent per annum payable half-yearly.

1973 issue  
of 40-year  
debentures  
authorized

(2) On the 31st day of December, 1973, the Treasurer of Ontario shall issue Province of Ontario debentures for the amount of money accumulated in the Fund and not required for current expenditures and for the amount of the debentures issued under subsection 1, such debentures to become due and payable on the 31st day of December, 2013, and to bear interest at the rate of 5 per cent per annum payable half-yearly.

Debentures  
authorized,  
10-year  
periods

(3) In every year during each ten-year period following the 1st day of January, 1974, the Treasurer of Ontario shall issue Province of Ontario debentures for the amount of money accumulated to the credit of the Fund from time to time and not required for current expenditures, such debentures to become due and payable on the last day of such ten-year period and to bear interest payable half-yearly at a rate agreed upon at the beginning of such period between the Treasurer of Ontario and the Board and approved by the Lieutenant Governor in Council as being applicable for that period.

40-year  
debentures

(4) On the 31st day of December, 1983, and on the 31st day of December of each succeeding ten-year period, the Treasurer of Ontario shall issue Province of Ontario debentures for the amount of money accumulated in the Fund and not required for current expenditures and for the amount of the debentures issued during the next preceding ten-year period under subsection 3, such debentures to become due and payable at the end of a period of forty years from the date of issue and to bear interest at the same rate as the debentures issued under subsection 3 during the ten-year period next preceding the date of the issue of such forty-year debentures.

Charge on  
Consolidated  
Revenue  
Fund

(5) The Province of Ontario debentures issued under this section are a charge upon the Consolidated Revenue Fund.

Province of  
Ontario  
debentures  
authorized  
to be  
delivered

(6) The Treasurer of Ontario shall deliver to the Board the Province of Ontario debentures as authorized in this section,

- (a) upon delivery to him of a cheque drawn on the Fund for the principal amount of the debentures plus any accrued interest thereon;
- (b) upon delivery to him of an equal amount of Province of Ontario debentures that were issued under the authority of this section; or

- (c) upon delivery of a cheque and Province of Ontario debentures that were issued under the authority of this section, the sum of which is equal to the amount of the Province of Ontario debentures to be delivered.

8.—(1) Notwithstanding any general or special Act, on and after such date as is designated by the Lieutenant Governor in Council, an employer shall not make a contribution for the provision of a pension to, Contributions after designated date

- (a) a person who enters the employ of the employer on or after such date; or

- (b) a person who entered the employ of the employer before such date and is entitled to become a member,

unless the contributions required to be made in respect of such person under this Act and the regulations have been made.

(2) If an employer is required to make contributions to an approved pension plan under the terms of a bargaining agreement with respect to any employees, subsection 1 does not apply to the employer in respect of such employees until the agreement is terminated or until three years after the date designated under subsection 1, whichever is the earlier. Contributions under bargaining agreement

(3) Subsection 1 applies *mutatis mutandis* to employers who commence to participate in the System before the date designated under subsection 1. Application of subs. 1

9. The contributions of the members shall be as prescribed in the regulations. Contributions of members

10. The contributions of the employers who participate in the System shall be such an amount as is required, in addition to the contributions of the members and the interest earned by the Fund, to provide for the payment of the benefits and the expenses under the regulations. Contributions of employers

11. The interest of a person in the Fund and in any benefit under this Act is not subject to garnishment, attachment, seizure or other process of law, and is not assignable. No attachments, etc.

12. Any sum the payment of which has not been made by an employer as required in the regulations is a debt recoverable from the employer by the Board in a court of competent jurisdiction. Sum payable by employer recoverable

**Expenses of  
formation  
of system**

**13.** Notwithstanding subsection 4 of section 4, the expenses incurred by the Board in the formation of the System, as approved by the Lieutenant Governor in Council, shall be charged to the Consolidated Revenue Fund.

**Regulations**

**14.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the composition of the Board and the appointment of the members of the Board;
- (b) governing the operation and administration of the Board including the powers and duties of the officers and employees of the Board;
- (c) governing the administration of the Fund including the receipt, deposit and payment of all moneys of the Fund, the temporary investment of any moneys of the Fund, the receipt, safekeeping and delivery of securities of the Fund, the borrowing of such sums as are necessary and the procedures for the determination of benefits;
- (d) requiring participating employers to pay to the Fund the contributions of employers and members and to pay interest at a prescribed rate on amounts of contributions that are overdue and unpaid, and to furnish information to the Board;
- (e) authorizing the Board to accept securities or any class thereof from participating employers as a payment on account of contributions in respect of prior service, and to determine the price of the securities;
- (f) providing for the participation of employers and for the membership of employees in the System, and the terms and conditions upon which such participation and membership are permitted;
- (g) prescribing the rates of contributions of the members and the principles for the determination of the rates of contributions of the employers;
- (h) providing for and defining,
  - (i) a normal retirement pension,
  - (ii) a disability retirement pension,
  - (iii) a pension to the widow or children,

- (iv) a deferred pension,
- (v) an early retirement pension,
- (vi) a refund of the member's contributions, plus interest thereon,

and prescribing the terms and conditions upon which such benefits shall be paid;

- (i) providing for the transfer from or to the Fund of a pension entitlement;
- (j) prescribing the terms and conditions upon which pensions in respect of prior service may be provided;
- (k) prescribing the duties of employers and of members with respect to the System;
- (l) prescribing the duties and liabilities of members and their employers with respect to contributions and rights of employees and employers under approved pension plans;
- (m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**15.—**(1) An employer may by by-law or resolution participate in the System and pay to the Fund the total of the employer and employee contributions, and has all of the powers necessary and incidental thereto. Power of employer to participate in System

(2) No by-law or resolution passed under subsection 1 shall be amended or repealed without the approval of the Minister. Amendment or repeal

**16.** This Act comes into force on the day it receives Royal Assent. Commencement

**17.** This Act may be cited as *The Ontario Municipal Employees Retirement System Act, 1961-62*. Short title

18-11

1875

1876

Municipal Employees Retirement System

*1st Reading*

April 11th, 1962

*2nd Reading*

April 13th, 1962

*3rd Reading*

April 18th, 1962

Mr. Cass



# **BILL 170**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Municipal Act**

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**MR. CASS**

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EXPLANATORY NOTE

This Bill is complementary to Bill 169, *An Act to establish the Ontario Municipal Employees Retirement System.*

BILL 170

1961-62

## An Act to amend The Municipal Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** Paragraph 59 of section 377 of *The Municipal Act* <sup>R.S.O. 1960, c. 249, s. 377, par. 59, amended</sup> is amended by inserting after "thereof" in the third line "and their widows and children", so that the paragraph, exclusive of the clauses, shall read as follows:

59. Subject to such limitations and restrictions as the <sup>Pensions</sup> Lieutenant Governor in Council may prescribe by regulations, for providing pensions for employees or any class thereof and their widows and children.

(2) Clause *c* of paragraph 59 of the said section 377 is <sup>R.S.O. 1960, c. 249, s. 377, par. 59, cl. c, amended</sup> amended by inserting after "made" in the first line "under this paragraph or under *The Ontario Municipal Employees Retirement System Act, 1961-62*", so that the clause shall read as follows:

(c) Payments made under this paragraph or under *The Ontario Municipal Employees Retirement System Act, 1961-62* <sup>Payments to be deemed current expenditures 1961-62 c. ....</sup> with respect to past service may be on a deferred basis or provided by the issue of debentures and raised in a subsequent year or years, and payments with respect to past service and future service shall be deemed to be current expenditures.

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**3.** This Act may be cited as *The Municipal Amendment Act, 1961-62 (No. 2)*. <sup>Short title</sup>

An Act to amend The Municipal Act

*1st Reading*

April 11th, 1962

*2nd Reading*

*3rd Reading*

MR. CASS

# **BILL 170**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Municipal Act**

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**MR. CASS**

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BILL 170

1961-62

## An Act to amend The Municipal Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 59 of section 377 of *The Municipal Act* is amended by inserting after “thereof” in the third line “and their widows and children”, so that the paragraph, exclusive of the clauses, shall read as follows: R.S.O. 1960,  
c. 249, s. 377,  
par. 59,  
amended

59. Subject to such limitations and restrictions as the Lieutenant Governor in Council may prescribe by regulations, for providing pensions for employees or any class thereof and their widows and children. Pensions

(2) Clause *c* of paragraph 59 of the said section 377 is amended by inserting after “made” in the first line “under this paragraph or under *The Ontario Municipal Employees Retirement System Act, 1961-62*”, so that the clause shall read as follows: R.S.O. 1960,  
c. 249, s. 377,  
par. 59,  
cl. c,  
amended

(c) Payments made under this paragraph or under *The Ontario Municipal Employees Retirement System Act, 1961-62* with respect to past service may be on a deferred basis or provided by the issue of debentures and raised in a subsequent year or years, and payments with respect to past service and future service shall be deemed to be current expenditures. Payments  
to be  
deemed  
current  
expenditures  
1961-62  
c. ....

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Municipal Amendment Act, 1961-62* (No. 2). Short title

An Act to amend The Municipal Act

*1st Reading*

April 11th, 1962

*2nd Reading*

April 13th, 1962

*3rd Reading*

April 18th, 1962

Mr. Cass



# **BILL 171**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Public Accountancy Act**

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**MR. ROBARTS**

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#### EXPLANATORY NOTE

When this Act was passed in 1950, it established two qualifying bodies, namely, The Institute of Chartered Accountants of Ontario and The Certified Public Accountants Association of Ontario.

It is expected that a union of the Institute and the Association will come about in the near future, which will result in one qualifying body instead of two.

The purposes of this Bill are:

- (1) to clarify the meaning of the expression "public accountant";
- (2) to make the changes in the Act that will be required as a result of such union; and
- (3) to limit licensees to members of the qualifying body, the members of the Certified General Accountants Association of Ontario, and to those who have been licensed as public accountants in the past.

These amendments will come into force on proclamation. The proclamation will not be made until the union has been effected.

BILL 171

1961-62

## An Act to amend The Public Accountancy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Public Accountancy Act* is repealed. R.S.O. 1960,  
c. 317, s. 1,  
cl. *b*,  
repealed

(2) Clauses *d*, *e* and *f* of the said section 1 are repealed and the following substituted therefor: R.S.O. 1960,  
c. 317, s. 1,  
cls. *d*, *e*,  
re-enacted;  
cl. *f*,  
repealed

(*d*) “public accountant” means a person who either alone or in partnership engages for reward in public practice involving,

- (i) the performance of services which include causing to be prepared, signed, delivered or issued any financial, accounting or related statement, or
- (ii) the issue of any written opinion, report or certificate concerning any such statement,

where, by reason of the circumstances or of the signature, stationery or wording employed, it is indicated that such person or partnership acts or purports to act in relation to such statement, opinion, report or certificate as an independent accountant or auditor or as a person or partnership having or purporting to have expert knowledge in accounting or auditing matters, but does not include a person who engages only in bookkeeping or cost accounting or in the installation of bookkeeping, business or cost systems or who performs accounting or auditing functions exclusively in respect of,

- (iii) any public authority or any commission, committee or emanation thereof, including a Crown company,

- (iv) any bank, loan or trust company,
- (v) any transportation company incorporated by Act of the Parliament of Canada, or
- (vi) any other publicly-owned or publicly-controlled public utility organization;

(e) "qualifying body" means The Institute of Chartered Accountants of Ontario.

R.S.O. 1960,  
c. 317, s. 3,  
subs. 1,  
re-enacted

**2.**—(1) Subsection 1 of section 3 of *The Public Accountancy Act* is repealed and the following substituted therefor:

Composition  
of the  
Council

(1) The Council shall consist of fifteen members,

(a) twelve of whom shall be appointed by the council of The Institute of Chartered Accountants of Ontario; and

(b) three of whom shall be elected in the prescribed manner by vote of the persons who are licensed under this Act but who are not members of the qualifying body.

R.S.O. 1960,  
c. 317, s. 3,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

Elected  
members

(3) No person who is a member of the qualifying body shall be elected under clause *b* of subsection 1.

R.S.O. 1960,  
c. 317, s. 4,  
re-enacted;  
s. 5, repealed

**3.** Sections 4 and 5 of *The Public Accountancy Act* are repealed and the following substituted therefor:

Certification,  
of appointed  
members

**4.**—(1) The secretary of the qualifying body shall certify in writing the names of the persons appointed to the Council.

of elected  
members

(2) The election of persons to Council shall be certified in writing in the prescribed manner.

Certificate  
as evidence

(3) Every such certificate is for all purposes sufficient evidence of the appointment or election of the persons named therein.

R.S.O. 1960,  
c. 317, s. 6,  
subs. 1,  
amended

**4.**—(1) Subsection 1 of section 6 of *The Public Accountancy Act* is amended by striking out "which is effective from the first ordinary meeting of the Council held in the term for which he was appointed or elected" in the third, fourth and fifth lines, so that the subsection shall read as follows:

- (1) Every member of the Council shall hold office for a term of two years from the date of his appointment or election. Term of office
- (2) Subsection 4 of the said section 6 is repealed and the following substituted therefor: R.S.O. 1960, c. 317, s. 6, subs. 4, re-enacted
- (4) Any vacancy in the office of a member of the Council, where more than four months of the term remain, shall be filled for the remainder of the term by the appointment of a member by the qualifying body or by the election of a member in the manner mentioned in clause *b* of subsection 1 of section 3, as the case requires. Vacancies
- 5.—(1) Subsection 2 of section 11 of *The Public Accountancy Act* is amended by striking out "calendar" in the second line and inserting in lieu thereof "financial". R.S.O. 1960, c. 317, s. 11, subs. 2, amended
- (2) The said section 11 is amended by adding thereto the following subsection: R.S.O. 1960, c. 317, s. 11, amended
- (5) The Council may appoint a registrar who need not be a member of the Council and who shall perform such duties as are prescribed by the Council from time to time. Registrar
6. Subsection 1 of section 15 of *The Public Accountancy Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 317, s. 15, subs. 1, re-enacted
- (1) Any person, on application to the Council in the prescribed manner and upon payment of the prescribed fee, is entitled to be licensed under this Act if the Council is satisfied that the applicant is of good character and, Qualifications for licence
- (a) that he is a member of the qualifying body; or
  - (b) that he was at any time licensed under this Act or a predecessor of this Act; or
  - (c) that he is a member of the Certified General Accountants Association of Ontario,
    - (i) who has taken the course of instruction and passed the final examinations of that Association, and

(ii) who has had at least three years experience in public accountancy in Ontario, and

(iii) who was on the 1st day of April, 1962, a member or a student of that Association.

R.S.O. 1960,  
c. 317, s. 17,  
amended

**7.** Section 17 of *The Public Accountancy Act* is amended by striking out "and is entitled to be" in the first line, so that the section shall read as follows:

Renewal  
of licence

17. Any person who is licensed under this Act and who applies to the Council in the prescribed manner and pays the prescribed fee is entitled to have his licence renewed, but nothing in this section prejudices or affects the power of the Council to revoke any licence in accordance with this Act.

R.S.O. 1960,  
c. 317, s. 27,  
amended

**8.** Section 27 of *The Public Accountancy Act* is amended by striking out "After the licensing date" in the first line and by striking out "after that date" in the third line.

R.S.O. 1960,  
c. 317, s. 31,  
subs. 1,  
amended

**9.** Subsection 1 of section 31 of *The Public Accountancy Act* is amended by striking out "each" in the third line and inserting in lieu thereof "the".

R.S.O. 1960,  
c. 317, s. 33,  
amended

**10.** Section 33 of *The Public Accountancy Act* is amended by inserting after "secretary" in the fourth line "or registrar", so that the section shall read as follows:

Authentica-  
tion of  
regulations  
and other  
documents

33. Every regulation, licence, notice or other document made, granted or issued by the Council for any purpose whatsoever may be signed on behalf of the Council by the secretary or registrar or by such other officer of the Council as may from time to time be authorized by the Council so to do, and when so signed is *prima facie* evidence of such regulation, licence, notice or other document.

R.S.O. 1960,  
c. 317, s. 35,  
amended

**11.** Section 35 of *The Public Accountancy Act* is amended by striking out "and" in the fourth line and by adding at the end thereof "or from issuing statements, opinions, reports or certificates in connection with such practice", so that the section shall read as follows:

Saving

35. Nothing in this Act precludes a registered member of the Society of Industrial and Cost Accountants of Ontario, or any other person, from practising as

an industrial accountant, cost accountant or cost consultant, from designating himself as such or from issuing statements, opinions, reports or certificates in connection with such practice.

**12.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation, which day shall be subsequent to the publication in *The Ontario Gazette* of a notice certifying that The Institute of Chartered Accountants of Ontario has in force a by-law providing for the admission to its membership of any member of The Certified Public Accountants Association of Ontario who applies therefor. <sup>Commence-  
ment</sup>

**13.** This Act may be cited as *The Public Accountancy Amendment Act, 1961-62*. <sup>Short title</sup>

An Act to amend  
The Public Accountancy Act

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*1st Reading*

April 11th, 1962

*2nd Reading*

*3rd Reading*

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MR. ROBARTS

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# **BILL 171**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Public Accountancy Act**

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**MR. ROBARTS**

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BILL 171

1961-62

## An Act to amend The Public Accountancy Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Public Accountancy Act* is repealed. R.S.O. 1960,  
c. 317, s. 1,  
cl. *b*,  
repealed

(2) Clauses *d*, *e* and *f* of the said section 1 are repealed and the following substituted therefor: R.S.O. 1960,  
c. 317, s. 1,  
cls. *d*, *e*,  
re-enacted;  
cl. *f*,  
repealed

(*d*) “public accountant” means a person who either alone or in partnership engages for reward in public practice involving,

- (i) the performance of services which include causing to be prepared, signed, delivered or issued any financial, accounting or related statement, or
- (ii) the issue of any written opinion, report or certificate concerning any such statement,

where, by reason of the circumstances or of the signature, stationery or wording employed, it is indicated that such person or partnership acts or purports to act in relation to such statement, opinion, report or certificate as an independent accountant or auditor or as a person or partnership having or purporting to have expert knowledge in accounting or auditing matters, but does not include a person who engages only in bookkeeping or cost accounting or in the installation of bookkeeping, business or cost systems or who performs accounting or auditing functions exclusively in respect of,

- (iii) any public authority or any commission, committee or emanation thereof, including a Crown company,

- (iv) any bank, loan or trust company,
- (v) any transportation company incorporated by Act of the Parliament of Canada, or
- (vi) any other publicly-owned or publicly-controlled public utility organization;

(e) "qualifying body" means The Institute of Chartered Accountants of Ontario.

R.S.O. 1960,  
c. 317, s. 3,  
subs. 1,  
re-enacted

**2.**—(1) Subsection 1 of section 3 of *The Public Accountancy Act* is repealed and the following substituted therefor:

Composition  
of the  
Council

(1) The Council shall consist of fifteen members,

(a) twelve of whom shall be appointed by the council of The Institute of Chartered Accountants of Ontario; and

(b) three of whom shall be elected in the prescribed manner by vote of the persons who are licensed under this Act but who are not members of the qualifying body.

R.S.O. 1960,  
c. 317, s. 3,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

Elected  
members

(3) No person who is a member of the qualifying body shall be elected under clause *b* of subsection 1.

R.S.O. 1960,  
c. 317, s. 4,  
re-enacted;  
s. 5, repealed

**3.** Sections 4 and 5 of *The Public Accountancy Act* are repealed and the following substituted therefor:

Certification,  
of appointed  
members

**4.**—(1) The secretary of the qualifying body shall certify in writing the names of the persons appointed to the Council.

of elected  
members

(2) The election of persons to Council shall be certified in writing in the prescribed manner.

Certificate  
as evidence

(3) Every such certificate is for all purposes sufficient evidence of the appointment or election of the persons named therein.

R.S.O. 1960,  
c. 317, s. 6,  
subs. 1,  
amended

**4.**—(1) Subsection 1 of section 6 of *The Public Accountancy Act* is amended by striking out "which is effective from the first ordinary meeting of the Council held in the term for which he was appointed or elected" in the third, fourth and fifth lines, so that the subsection shall read as follows:

- (1) Every member of the Council shall hold office for a term of two years from the date of his appointment or election. Term of office

(2) Subsection 4 of the said section 6 is repealed and the following substituted therefor: R.S.O. 1960, c. 317, s. 6, subs. 4, re-enacted

- (4) Any vacancy in the office of a member of the Council, where more than four months of the term remain, shall be filled for the remainder of the term by the appointment of a member by the qualifying body or by the election of a member in the manner mentioned in clause *b* of subsection 1 of section 3, as the case requires. Vacancies

**5.—**(1) Subsection 2 of section 11 of *The Public Accountancy Act* is amended by striking out "calendar" in the second line and inserting in lieu thereof "financial". R.S.O. 1960, c. 317, s. 11, subs. 2, amended

(2) The said section 11 is amended by adding thereto the following subsection: R.S.O. 1960, c. 317, s. 11, amended

- (5) The Council may appoint a registrar who need not be a member of the Council and who shall perform such duties as are prescribed by the Council from time to time. Registrar

**6.** Subsection 1 of section 15 of *The Public Accountancy Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 317, s. 15, subs. 1, re-enacted

- (1) Any person, on application to the Council in the prescribed manner and upon payment of the prescribed fee, is entitled to be licensed under this Act if the Council is satisfied that the applicant is of good character and, Qualifications for licence

(a) that he is a member of the qualifying body; or

(b) that he was at any time licensed under this Act or a predecessor of this Act; or

(c) that he is a member of the Certified General Accountants Association of Ontario,

(i) who has taken the course of instruction and passed the final examinations of that Association, and

(ii) who has had at least three years experience in public accountancy in Ontario, and

(iii) who was on the 1st day of April, 1962, a member or a student of that Association.

R.S.O. 1960,  
c. 317, s. 17,  
amended

**7.** Section 17 of *The Public Accountancy Act* is amended by striking out "and is entitled to be" in the first line, so that the section shall read as follows:

Renewal  
of licence

17. Any person who is licensed under this Act and who applies to the Council in the prescribed manner and pays the prescribed fee is entitled to have his licence renewed, but nothing in this section prejudices or affects the power of the Council to revoke any licence in accordance with this Act.

R.S.O. 1960,  
c. 317, s. 27,  
amended

**8.** Section 27 of *The Public Accountancy Act* is amended by striking out "After the licensing date" in the first line and by striking out "after that date" in the third line.

R.S.O. 1960,  
c. 317, s. 31,  
subs. 1,  
amended

**9.** Subsection 1 of section 31 of *The Public Accountancy Act* is amended by striking out "each" in the third line and inserting in lieu thereof "the".

R.S.O. 1960,  
c. 317, s. 33,  
amended

**10.** Section 33 of *The Public Accountancy Act* is amended by inserting after "secretary" in the fourth line "or registrar", so that the section shall read as follows:

Authentica-  
tion of  
regulations  
and other  
documents

33. Every regulation, licence, notice or other document made, granted or issued by the Council for any purpose whatsoever may be signed on behalf of the Council by the secretary or registrar or by such other officer of the Council as may from time to time be authorized by the Council so to do, and when so signed is *prima facie* evidence of such regulation, licence, notice or other document.

R.S.O. 1960,  
c. 317, s. 35,  
amended

**11.** Section 35 of *The Public Accountancy Act* is amended by striking out "and" in the fourth line and by adding at the end thereof "or from issuing statements, opinions, reports or certificates in connection with such practice", so that the section shall read as follows:

Saving

35. Nothing in this Act precludes a registered member of the Society of Industrial and Cost Accountants of Ontario, or any other person, from practising as

an industrial accountant, cost accountant or cost consultant, from designating himself as such or from issuing statements, opinions, reports or certificates in connection with such practice.

**12.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation, which day shall be subsequent to the publication in *The Ontario Gazette* of a notice certifying that The Institute of Chartered Accountants of Ontario has in force a by-law providing for the admission to its membership of any member of The Certified Public Accountants Association of Ontario who applies therefor. <sup>Commence-  
ment</sup>

**13.** This Act may be cited as *The Public Accountancy Amendment Act, 1961-62*. <sup>Short title</sup>

THE PUBLIC ACCOUNTANCY ACT

*1st Reading*

April 11th, 1962

*2nd Reading*

April 13th, 1962

*3rd Reading*

April 18th, 1962

MR. ROBARTS



# **BILL 172**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Hours of Work and Vacations with Pay Act**

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**MR. WARRENDER**

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#### EXPLANATORY NOTES

SECTIONS 1 and 2. These amendments will authorize the Industry and Labour Board to ascertain the relevant facts.

BILL 172

1961-62

## An Act to amend The Hours of Work and Vacations with Pay Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Hours of Work and Vacations with Pay Act* is amended by inserting after "labour" in the fourth line "and pay", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 181, s. 8,  
subs. 1,  
amended

- (1) An employer shall, on demand of the Board or of the chairman or of any person authorized in writing by the Board or by the chairman, produce for inspection all records kept by him relating to the hours of labour and pay of any person employed by him.

Production  
of records

2.—(1) Clause *a* of subsection 1 of section 9 of *The Hours of Work and Vacations with Pay Act* is amended by inserting after "labour" in the third line "and pay", so that the clause shall read as follows:

R.S.O. 1960,  
c. 181, s. 9,  
subs. 1, cl. *a*,  
amended

- (a) inspect and examine all books, pay-rolls and other records of any employer that in any way relate to the hours of labour and pay of any of his employees.

(2) Clause *c* of subsection 1 of the said section 9 is amended by inserting after "work" in the third line "and pay", so that the clause shall read as follows:

R.S.O. 1960,  
c. 181, s. 9,  
subs. 1, cl. *c*,  
amended

- (c) require any employer to make or furnish full and correct statements, either orally or in writing in such form as is required, respecting the hours of work and pay of any of his employees, and require the statements to be made by the employer on oath or to be verified by his statutory declaration.

R.S.O. 1960, c. 181, s. 9, subs. 1, cl. d, amended (3) Clause *d* of subsection 1 of the said section 9 is amended by inserting after "work" in the ninth line "and pay", so that the clause shall read as follows:

- (d) require any employee to make full disclosure, production or delivery to the Board, or to the person so authorized, of all records, documents, statements, writing, books or papers, or extracts therefrom or copies thereof, or other information either verbal or in writing that the employee has in his possession or under his control and either verified on oath or otherwise as is directed, which may in any way relate to his hours of work and pay as an employee.

R.S.O. 1960, c. 181, s. 12, subs. 1, re-enacted 3.—(1) Subsection 1 of section 12 of *The Hours of Work and Vacations with Pay Act* is repealed and the following substituted therefor:

Additional penalty

- (1) In addition to the penalty imposed on an employer for failure to grant a vacation with pay to an employee, the magistrate shall order the employer to pay to the Board on behalf of the employee an amount equal to the pay he would have received for such vacation or the amount to which he would be entitled under the regulations.

R.S.O. 1960, c. 181, s. 12, subs. 2, amended (2) Subsection 2 of the said section 12 is amended by striking out "shall be filed" in the first line and inserting in lieu thereof "may be filed by the Board", so that the subsection shall read as follows:

Filing of order

- (2) An order made under subsection 1 may be filed by the Board in a division court where,

(a) the conviction upon which the order is based,

(i) is not appealed from within the time prescribed therefor, or

(ii) is confirmed upon appeal; and

(b) the fee prescribed under *The Division Courts Act* is paid to the clerk of the division court,

and such order thereupon is of the same force and effect as a judgment in the division court.

R.S.O. 1960, c. 181, amended 4. *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following sections:

**SECTION 3.** This amendment implements a recommendation of the Royal Commission on Labour-Management Relations in the Construction Industry.

**SECTION 4.** The new section 12*a* implements a recommendation of the Royal Commission on Labour-Management Relations in the Construction Industry.

The new section 12*b* is designed to facilitate the work of the Industry and Labour Board in administering the Act.

1871

1872

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1884

12a. The Board may require any employer to post and keep posted in a conspicuous place where his employees are engaged in their duties such notices as the Board may direct. <sup>Posting of notices</sup>

12b.—(1) Where the Board is authorized to require a person to furnish information under this Act, the Board may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known place of abode of the person for whom the notice is intended, and such person shall furnish the information within such reasonable time as is specified in the notice. <sup>Notice to furnish information</sup>

(2) A certificate of a member of the Board certifying that the notice was sent by registered mail to the person to whom it was addressed, accompanied by and identifying the post office certificate of the registration and a true copy of the notice, is admissible as *prima facie* proof of the mailing and receipt of the notice. <sup>Proof of service of notice</sup>

(3) Where the Board is authorized to require a person to furnish information under this Act, a certificate of a member of the Board certifying that the information has not been furnished is admissible as *prima facie* proof that in such case the person did not furnish the information. <sup>Proof of failure to comply</sup>

(4) A certificate of a member of the Board certifying that a document annexed thereto is a document or true copy of a document made by or on behalf of the Board is admissible as *prima facie* proof of the nature and contents of the document and shall be received in evidence in the place and stead of the original and has the same force and effect as the original document would have had if produced and proved. <sup>Proof of documents</sup>

(5) A certificate under this section signed or purporting to be signed by a member of the Board is admissible as *prima facie* proof of the facts stated therein and of the authority of the person giving or making the certificate without any proof of appointment or signature. <sup>Proof of authority</sup>

5. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

6. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1961-62*. <sup>Short title</sup>

An Act to amend 'The Hours of Work  
and Vacations with Pay Act

*1st Reading*

April 12th, 1962

*2nd Reading*

*3rd Reading*

MR. WARRENDER



# **BILL 172**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Hours of Work and Vacations with Pay Act**

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**MR. WARRENDER**

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THE HOUSE

OF REPRESENTATIVES

BILL 172

1961-62

## An Act to amend The Hours of Work and Vacations with Pay Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Hours of Work and Vacations with Pay Act* is amended by inserting after "labour" in the fourth line "and pay", so that the subsection shall read as follows: R.S.O. 1960,  
c. 181, s. 8,  
subs. 1,  
amended

- (1) An employer shall, on demand of the Board or of the chairman or of any person authorized in writing by the Board or by the chairman, produce for inspection all records kept by him relating to the hours of labour and pay of any person employed by him. Production  
of records

2.—(1) Clause *a* of subsection 1 of section 9 of *The Hours of Work and Vacations with Pay Act* is amended by inserting after "labour" in the third line "and pay", so that the clause shall read as follows: R.S.O. 1960,  
c. 181, s. 9,  
subs. 1, cl. *a*,  
amended

- (a) inspect and examine all books, pay-rolls and other records of any employer that in any way relate to the hours of labour and pay of any of his employees.

(2) Clause *c* of subsection 1 of the said section 9 is amended by inserting after "work" in the third line "and pay", so that the clause shall read as follows: R.S.O. 1960,  
c. 181, s. 9,  
subs. 1, cl. *c*,  
amended

- (c) require any employer to make or furnish full and correct statements, either orally or in writing in such form as is required, respecting the hours of work and pay of any of his employees, and require the statements to be made by the employer on oath or to be verified by his statutory declaration.

R.S.O. 1960, (3) Clause *d* of subsection 1 of the said section 9 is amended  
c. 181, s. 9, by inserting after "work" in the ninth line "and pay", so  
subs. 1, cl. *d*, amended that the clause shall read as follows:

- (*d*) require any employee to make full disclosure, production or delivery to the Board, or to the person so authorized, of all records, documents, statements, writing, books or papers, or extracts therefrom or copies thereof, or other information either verbal or in writing that the employee has in his possession or under his control and either verified on oath or otherwise as is directed, which may in any way relate to his hours of work and pay as an employee.

R.S.O. 1960, 3.—(1) Subsection 1 of section 12 of *The Hours of Work*  
c. 181, s. 12, and *Vacations with Pay Act* is repealed and the following  
subs. 1, re-enacted substituted therefor:

Additional  
penalty

- (1) In addition to the penalty imposed on an employer for failure to grant a vacation with pay to an employee, the magistrate shall order the employer to pay to the Board on behalf of the employee an amount equal to the pay he would have received for such vacation or the amount to which he would be entitled under the regulations.

R.S.O. 1960,  
c. 181, s. 12,  
subs. 2,  
amended

(2) Subsection 2 of the said section 12 is amended by striking out "shall be filed" in the first line and inserting in lieu thereof "may be filed by the Board", so that the subsection shall read as follows:

Filing of  
order

- (2) An order made under subsection 1 may be filed by the Board in a division court where,

(a) the conviction upon which the order is based,

(i) is not appealed from within the time prescribed therefor, or

(ii) is confirmed upon appeal; and

R.S.O. 1960,  
c. 110

(b) the fee prescribed under *The Division Courts Act* is paid to the clerk of the division court,

and such order thereupon is of the same force and effect as a judgment in the division court.

R.S.O. 1960,  
c. 181,  
amended

4. *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following sections:

12a. The Board may require any employer to post and keep posted in a conspicuous place where his employees are engaged in their duties such notices as the Board may direct. <sup>Posting of notices</sup>

12b.—(1) Where the Board is authorized to require a person to furnish information under this Act, the Board may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known place of abode of the person for whom the notice is intended, and such person shall furnish the information within such reasonable time as is specified in the notice. <sup>Notice to furnish information</sup>

(2) A certificate of a member of the Board certifying that the notice was sent by registered mail to the person to whom it was addressed, accompanied by and identifying the post office certificate of the registration and a true copy of the notice, is admissible as *prima facie* proof of the mailing and receipt of the notice. <sup>Proof of service of notice</sup>

(3) Where the Board is authorized to require a person to furnish information under this Act, a certificate of a member of the Board certifying that the information has not been furnished is admissible as *prima facie* proof that in such case the person did not furnish the information. <sup>Proof of failure to comply</sup>

(4) A certificate of a member of the Board certifying that a document annexed thereto is a document or true copy of a document made by or on behalf of the Board is admissible as *prima facie* proof of the nature and contents of the document and shall be received in evidence in the place and stead of the original and has the same force and effect as the original document would have had if produced and proved. <sup>Proof of documents</sup>

(5) A certificate under this section signed or purporting to be signed by a member of the Board is admissible as *prima facie* proof of the facts stated therein and of the authority of the person giving or making the certificate without any proof of appointment or signature. <sup>Proof of authority</sup>

5. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

6. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1961-62*. <sup>Short title</sup>



1901, 1902, 1903.

and Vacations with Pay Act

*1st Reading*

April 12th, 1962

*2nd Reading*

April 13th, 1962

*3rd Reading*

April 18th, 1962

MR. WARRENDER



# **BILL 173**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Embalmers and Funeral Directors Act**

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**MR. DYMOND**

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#### EXPLANATORY NOTES

SECTION 1. The amendment ensures that the section includes transportation by automobile.

SECTION 2. Reference to infamous or disgraceful conduct in a professional respect is deleted and the causes for revocation, suspension or cancellation of certificates, licences or permits are to be set out in the regulations.

SECTION 3. The new section permits the refusal of a certificate of qualification, licence or permit if the applicant is guilty of any act that is grounds for revoking or cancelling a certificate, licence or permit.

BILL 173

1961-62

## An Act to amend The Embalmers and Funeral Directors Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Embalmers and Funeral Directors Act* R.S.O. 1960, c. 120, s. 11, amended is amended by striking out "ship" in the first line and inserting in lieu thereof "transport" and by striking out "shipment" in the second line and inserting in lieu thereof "transportation", so that the section shall read as follows:

11. No person shall transport a dead human body out of Ontario unless it has been embalmed and prepared for transportation by a licensed embalmer. Transportation of body out of Ontario

2. Subsection 2 of section 16 of *The Embalmers and Funeral Directors Act* is amended by striking out "where at least four members of the Board find that such person has been guilty of infamous or disgraceful conduct in a professional respect, as defined by the regulations" in the third, fourth and fifth lines and inserting in lieu thereof "for any of the causes prescribed by the regulations", so that the subsection shall read as follows: R.S.O. 1960, c. 120, s. 16, subs. 2, amended

(2) The Board may revoke the certificate of qualification and cancel the licence of any person, or may cancel the permit of any person, for any of the causes prescribed by the regulations. Cancellation of licence or permit

3. *The Embalmers and Funeral Directors Act* is amended by adding thereto the following section: R.S.O. 1960, c. 120, amended

16a. The Board may, after a hearing, refuse to grant a certificate of qualification, licence or permit for any reason that the certificate, licence or permit, if granted, could be revoked or cancelled. Refusal to grant certificate, licence or permit

R.S.O. 1960,  
c. 120, s. 18,  
amended

**4.** Section 18 of *The Embalmers and Funeral Directors Act* is amended by inserting after "thereof" in the first line "or any person authorized by the Board", so that the section shall read as follows:

Power of  
Board to  
enter place  
of business

18. The Board or any member thereof, or any person authorized by the Board, may enter and inspect at all reasonable times any place in which the business of a funeral director or an embalmer is carried on under this Act.

R.S.O. 1960,  
c. 120, s. 23,  
cls. n, o,  
re-enacted

**5.** Clauses *n* and *o* of section 23 of *The Embalmers and Funeral Directors Act* are repealed and the following substituted therefor:

- (n) governing the revocation, suspension or cancellation of certificates of qualification, licences and permits and prescribing the causes and procedure therefor;
- (o) regulating or prohibiting advertising by or on behalf of embalmers and funeral directors.

Short title.

**6.** This Act may be cited as *The Embalmers and Funeral Directors Amendment Act, 1961-62.*

**SECTION 4.** The amendment enables the Board of Administration to appoint persons to conduct inspections on behalf of the Board.

**SECTION 5.** Clause *n* is complementary to section 2 of the Bill.

Clause *o* authorizes the control of advertising by embalmers and funeral directors.

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July 13th 1905  
in morning

(1905)

*1st Reading*

April 12th, 1962

*2nd Reading*

*3rd Reading*

MR. DYMOND



# **BILL 173**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Embalmers and Funeral Directors Act**

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**MR. DYMOND**

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The Book

of the  
Bible

BILL 173

1961-62

## An Act to amend The Embalmers and Funeral Directors Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Embalmers and Funeral Directors Act* is amended by striking out "ship" in the first line and inserting in lieu thereof "transport" and by striking out "shipment" in the second line and inserting in lieu thereof "transportation", so that the section shall read as follows: R.S.O. 1960,  
c. 120, s. 11,  
amended

11. No person shall transport a dead human body out of Ontario unless it has been embalmed and prepared for transportation by a licensed embalmer. Transportation of body out of Ontario

2. Subsection 2 of section 16 of *The Embalmers and Funeral Directors Act* is amended by striking out "where at least four members of the Board find that such person has been guilty of infamous or disgraceful conduct in a professional respect, as defined by the regulations" in the third, fourth and fifth lines and inserting in lieu thereof "for any of the causes prescribed by the regulations", so that the subsection shall read as follows: R.S.O. 1960,  
c. 120, s. 16,  
subs. 2,  
amended

(2) The Board may revoke the certificate of qualification and cancel the licence of any person, or may cancel the permit of any person, for any of the causes prescribed by the regulations. Cancellation of licence or permit

3. *The Embalmers and Funeral Directors Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 120,  
amended

16a. The Board may, after a hearing, refuse to grant a certificate of qualification, licence or permit for any reason that the certificate, licence or permit, if granted, could be revoked or cancelled. Refusal to grant certificate, licence or permit

R.S.O. 1960,  
c. 120, s. 18,  
amended

**4.** Section 18 of *The Embalmers and Funeral Directors Act* is amended by inserting after "thereof" in the first line "or any person authorized by the Board", so that the section shall read as follows:

Power of  
Board to  
enter place  
of business

18. The Board or any member thereof, or any person authorized by the Board, may enter and inspect at all reasonable times any place in which the business of a funeral director or an embalmer is carried on under this Act.

R.S.O. 1960,  
c. 120, s. 23,  
cls. n, o,  
re-enacted

**5.** Clauses *n* and *o* of section 23 of *The Embalmers and Funeral Directors Act* are repealed and the following substituted therefor:

- (n) governing the revocation, suspension or cancellation of certificates of qualification, licences and permits and prescribing the causes and procedure therefor;
- (o) regulating or prohibiting advertising by or on behalf of embalmers and funeral directors.

Short title

**6.** This Act may be cited as *The Embalmers and Funeral Directors Amendment Act, 1961-62*.





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AN ACT TO AMEND  
The Embalmers and Funeral Directors Act

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*1st Reading*

April 12th, 1962

*2nd Reading*

April 16th, 1962

*3rd Reading*

April 18th, 1962

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MR. DYMOND

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## **BILL 174**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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### **An Act to require the Full Disclosure of All Terms and Conditions of Loans Made in Ontario**

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**MR. WINTERMEYER**

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#### EXPLANATORY NOTE

This Bill requires a creditor to deliver to his debtor a statement of all the costs payable by the debtor in respect of the credit extended, and the creditor forfeits the right to recover any costs not shown in the statement.

BILL 174

1961-62

**An Act to require  
the Full Disclosure of All Terms and Conditions  
of Loans Made in Ontario**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

(a) "cost of credit" means,

- (i) where the credit arises from the loan of money advanced, the total amount that the debtor agrees to pay to or to the credit of the creditor in respect of the loan, less the amount of money actually advanced under the loan, or
- (ii) where the credit arises in the purchase of real or personal property, the total amount that the debtor agrees to pay to or to the credit of the creditor in respect of the purchase, less the actual purchase price of the property;

- (b) "credit" means the right to recover payment of a loan of money advanced or to recover the amount remaining unpaid for real or personal property purchased where payment therefor in full is not made at the time of the purchase.

**2.—(1)** Before credit is extended, the creditor shall deliver <sup>Statement</sup> to the debtor a statement of the cost of the credit showing, <sup>of cost</sup> <sup>of credit</sup>

- (a) the amount of money advanced or purchase price remaining unpaid;
- (b) the total amount payable as interest over the term of the credit if the debtor makes the minimum payments to which he has agreed, expressed as a sum of money;

- (c) the amount of any bonus payable by the debtor;
- (d) the amount of any cost, charge, fee or other expense payable by the debtor; and
- (e) any other amount that the debtor agrees to pay in respect of the credit.

Limitation  
of recovery  
of cost  
of credit

(2) The creditor shall not recover and the debtor is not liable to pay any cost of credit that is not shown on the statement delivered in accordance with subsection 1.

Short title

**3.** This Act may be cited as *The Cost of Credit Act, 1961-62*.





1744 1777 1083

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All Terms and Conditions of Disclosure of  
Made in Ontario

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*1st Reading*

April 13th, 1962

*2nd Reading*

*3rd Reading*

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MR. WINTERMEYER

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# **BILL 175**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Minimum Wage Act**

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**MR. WINTERMEYER**

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#### EXPLANATORY NOTE

The Bill removes the authority of the Industry and Labour Board to fix minimum wages, except in certain special circumstances, and fixes the rates for both men and women directly in the Act.

The minimum rate for men is fixed at \$1.25 per hour. The minimum rate for women is increased by \$4.00 per week and includes the same differentials as are now contained in the regulations.

## An Act to amend The Minimum Wage Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 3 of *The Minimum Wage Act* is amended R.S.O. 1960, c. 240, s. 3, amended by striking out “establish minimum rates of wages for all employees and” in the first and second lines, so that the section, exclusive of the clauses, shall read as follows:

3. The Board may generally enact such provisions with Conditions of employment respect to conditions of employment as may be deemed necessary for the betterment of the physical, moral and intellectual well-being of employees, and, without restricting the generality of the foregoing, the Board may make orders and by means of such orders may,

(2) Clause *d* of the said section 3 is repealed.

R.S.O. 1960, c. 240, s. 3, cl. d, repealed

(3) Clause *f* of the said section 3 is amended by adding R.S.O. 1960, c. 240, s. 3, cl. f, amended at the end thereof “and the minimum rates of wages for part-time work and piece work”, so that the clause shall read as follows:

- (f) establish minimum hourly rates of wages for over- Overtime wages, etc. time work and the minimum rates of wages for part-time work and piece work.

(4) Clause *g* of the said section 3 is repealed.

R.S.O. 1960, c. 240, s. 3, cl. g, repealed

2. *The Minimum Wage Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 240, amended

- 3a. The minimum rate of wages for men shall be \$1.25 Minimum rate for men per hour.

Minimum  
rates for  
women

- 3b.—(1) The minimum rate of wages for women employed in a zone designated in the Schedule shall be at the weekly rate as follows:

ZONE 1 — i. Inexperienced employees:	
for first three months of employment.....	\$30
for second three months of employment.....	32
ii. Experienced employees.....	34
ZONE 2 — i. Inexperienced employees:	
for first three months of employment.....	\$28
for second three months of employment.....	30
ii. Experienced employees.....	32
ZONE 3 — i. Inexperienced employees:	
for first three months of employment.....	26
for second three months of employment.....	28
ii. Experienced employees.....	30

Weekly  
working  
periods

- (2) The hours worked in a week for which the minimum weekly wages prescribed by subsection 1 shall be paid are the normal number of hours established by custom by the employer, not exceeding forty-eight hours.

Work for  
less than  
week

- (3) Where a full-time employee works less than the normal working day or working week established by custom by her employer, she shall be paid not less than the proportion of her weekly wages for the number of hours or days worked.

R.S.O. 1960,  
c. 240, s. 5,  
amended

3. Section 5 of *The Minimum Wage Act* is amended by striking out "and may also, by a new order, suspend, alter, revise or consolidate any of its orders or any order made by the Minimum Wage Board" in the third, fourth and fifth lines, so that the section shall read as follows:

Amendment  
of orders

5. The Board, without making a new order, may temporarily suspend or vary any of its orders so as to conform to special conditions in any business.

R.S.O. 1960,  
c. 240, s. 12,  
amended

4. Section 12 of *The Minimum Wage Act* is amended by striking out "the Board" in the twelfth line and inserting in lieu thereof "or under this Act", so that the section shall read as follows:

Offences

12. Every employer who contravenes any order with respect to wages or hours of work is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 for each employee affected and, in default of payment, to imprisonment for a

term of not more than six months and for any subsequent offence is liable to a fine of not less than \$50 for each employee affected and, in default of payment, to imprisonment for a term of not more than one year, and in every case upon conviction shall be ordered to pay to the Board on behalf of the employees affected the difference between the wages actually paid and those established by or under this Act and, in determining the amount of such arrears, if the court finds that the employer has not kept accurate records as required by this Act, the employees in question shall conclusively be presumed to have been employed for the maximum number of hours per week permitted and to be entitled to the full weekly wage for the total period of their employment.

5. *The Minimum Wage Act* is amended by adding thereto the following Schedule: R.S.O. 1960,  
c. 240,  
amended

## SCHEDULE

### (Section 3b)

ZONE 1 — comprising,

- (a) the City of Toronto, the towns of Leaside, Mimico, New Toronto and Weston, the villages of Forest Hill, Long Branch and Swansea and the townships of East York, Etobicoke, North York, Scarborough and York;
- (b) the City of Hamilton, the Town of Dundas, and Burlington Beach;
- (c) the City of Windsor, the towns of La Salle, Ojibway, Riverside and Tecumseh, the Village of St. Clair Beach, and that part of the Township of Sandwich East known as Remington Park that lies within a line drawn as follows: Beginning at the intersection of the centre line of Howard Avenue with the southerly limit of the right of way of the Canadian Pacific Railway; thence easterly along the southerly limit to its intersection by the northerly limit of Grand Boulevard; thence southwesterly along the northerly limit to its intersection with the centre line of Howard Avenue; thence northerly along the centre line to the place of beginning;
- (d) the City of Ottawa, the Town of Eastview and the Village of Rockcliffe Park; and
- (e) the City of London.

ZONE 2 — comprising,

- (a) every local municipality; and
- (b) every school section under *The Public Schools Act* within unorganized townships or unsurveyed territory,

having a population of not less than 3,000 as determined by the last preceding census taken under the authority of the Parliament of Canada and not included in Zone 1.

ZONE 3 — comprising,

- (a) every local municipality; and
- (b) every school section under *The Public Schools Act* within unorganized townships or unsurveyed territory,

having a population of less than 3,000 as determined by the last preceding census taken under the authority of the Parliament of Canada and not included in Zone 1.

Short title

**6.** This Act may be cited as *The Minimum Wage Amendment Act, 1961-62*.



The Minimum Wage Act

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*1st Reading*

April 13th, 1962

*2nd Reading*

*3rd Reading*

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MR. WINTERMEYER

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# **BILL 176**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Liquor Licence Act**

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**MR. ROBARTS**

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#### EXPLANATORY NOTES

SECTION 1. This amendment is complementary to section 6 of this Bill which provides a right of appeal to the courts from an order of the Liquor Licence Board of Ontario cancelling a licence to sell liquor.

SECTION 2. This provision will authorize the Liquor Licence Board of Ontario to license clubs in "dry" areas.

SECTIONS 3 and 4. The terminology with respect to the first step in applying for a licence to sell liquor is clarified.

## BILL 176

1961-62

## An Act to amend The Liquor Licence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Liquor Licence Act* is amended by adding at the commencement thereof "Except as provided by this Act", so that the section shall read as follows: R.S.O. 1960, c. 218, s. 20, amended

20. Except as provided by this Act, the decisions, orders and rulings of the Board are final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, *quo warranto* proceedings or other process or proceedings in any court, or be removed by *certiorari* or otherwise into any court, but the Board may, or at the request of any person having a proprietary interest in the matter before the Board shall, state a case on a point of law only as provided from time to time in the *Criminal Code* (Canada). Finality of orders 1953-54, c. 51 (Can.)

2. *The Liquor Licence Act* is amended by adding thereto the following section: R.S.O. 1960, c. 218, amended

24a. Notwithstanding the restrictions and prohibitions imposed by any municipal by-law passed under *The Liquor Licence Act*, being chapter 215 of the Revised Statutes of Ontario, 1914, or this or any other Act relating to the sale of liquor by retail, the Board may issue a club licence or a club licence (restricted) to any club that is affected by any such by-law and that has been organized and in active operation for not less than three years prior to the time of application for a licence. Licences, certain class of clubs R.S.O. 1914, c. 215

3. Subsection 2 of section 36 of *The Liquor Licence Act* is amended by striking out "leave has been granted" in the second line and inserting in lieu thereof "a preliminary application has been heard and approved", so that the subsection shall read as follows: R.S.O. 1960, c. 218, s. 36, amended

Preliminary  
application

- (2) No application for a licence shall be heard at any special meeting until a preliminary application has been heard and approved by the Board.

R.S.O. 1960,  
c. 218, s. 37,  
amended

4. Section 37 of *The Liquor Licence Act* is amended by striking out "After leave has been obtained" at the commencement and inserting in lieu thereof "After the preliminary application has been approved", so that the first three lines of the section shall read as follows:

Publication  
of notice

37. After the preliminary application has been approved under section 36, notice of the application for a licence in the form prescribed by the regulations shall be published twice,

. . . . .

R.S.O. 1960,  
c. 218, s. 43,  
amended

5. Section 43 of *The Liquor Licence Act* is amended by adding "or" at the end of clause *e* and by adding thereto the following clause:

- (f) if the licence holder is bankrupt or if a mortgagee enters into possession of the licensed establishment, but, notwithstanding sections 36 and 37, the Board may issue a temporary licence to a trustee in bankruptcy or a mortgagee in possession for not more than six months in order that he may dispose of the licensed establishment.

R.S.O. 1960,  
c. 218,  
amended

6. *The Liquor Licence Act* is amended by adding thereto the following section:

Right of  
appeal

- 43a. Any licence holder whose licence is cancelled under section 42 or 43 may appeal from the order of the Board cancelling the licence, and the provisions of *The Liquor Control Act* relating to appeals apply *mutatis mutandis* to the appeal.

R.S.O. 1960,  
c. 217

R.S.O. 1960,  
c. 218, s. 52,  
re-enacted

7. Section 52 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Public house  
licences,  
where two  
issued for  
an estab-  
lishment

52. Except as permitted by the Board, where two premises are issued public house licences in an establishment, each of such premises shall have separate entrances for the public.

Commence-  
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Liquor Licence Amendment Act, 1961-62*.

**SECTION 5.** This new clause authorizes the Liquor Licence Board of Ontario to cancel a licence to sell liquor upon the bankruptcy of the licensee or the foreclosure of a mortgage on the licensed establishment.

The new clause also authorizes a temporary licence in these cases in order to give time in which to dispose of the licensed establishment.

**SECTION 6.** See note to section 1 of this Bill.

**SECTION 7.** The section is brought into line with current rulings of the Liquor Licence Board of Ontario.

The first of these is the  
 fact that the system is  
 not self-sufficient. It  
 is dependent on the  
 outside world for many  
 of its needs. This is  
 a serious disadvantage  
 in a time of war or  
 economic crisis. The  
 second is the fact that  
 the system is not  
 flexible. It is not  
 able to adapt to  
 changing conditions.  
 This is also a serious  
 disadvantage. The  
 third is the fact that  
 the system is not  
 efficient. It wastes  
 a great deal of time  
 and money. This is  
 also a serious  
 disadvantage.

1901, 2-12, 1025

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The Liquor Licence Act

*1st Reading*

April 13th, 1962

*2nd Reading*

*3rd Reading*

MR. ROBARTS



# **BILL 176**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act to amend The Liquor Licence Act**

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**MR. ROBARTS**

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**TORONTO**  
**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

NOT A DETAIL

NOT A DETAIL

NOT A DETAIL

## BILL 176

1961-62

## An Act to amend The Liquor Licence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Liquor Licence Act* is amended by adding at the commencement thereof "Except as provided by this Act", so that the section shall read as follows: R.S.O. 1960, c. 218, s. 20, amended

20. Except as provided by this Act, the decisions, orders and rulings of the Board are final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, *quo warranto* proceedings or other process or proceedings in any court, or be removed by *certiorari* or otherwise into any court, but the Board may, or at the request of any person having a proprietary interest in the matter before the Board shall, state a case on a point of law only as provided from time to time in the *Criminal Code* (Canada). Finality of orders 1953-54, c. 51 (Can.)

2. *The Liquor Licence Act* is amended by adding thereto the following section: R.S.O. 1960, c. 218, amended

24a. Notwithstanding the restrictions and prohibitions imposed by any municipal by-law passed under *The Liquor Licence Act*, being chapter 215 of the Revised Statutes of Ontario, 1914, or this or any other Act relating to the sale of liquor by retail, the Board may issue a club licence or a club licence (restricted) to any club that is affected by any such by-law and that has been organized and in active operation for not less than three years prior to the time of application for a licence. Licences, certain class of clubs R.S.O. 1914, c. 215

3. Subsection 2 of section 36 of *The Liquor Licence Act* is amended by striking out "leave has been granted" in the second line and inserting in lieu thereof "a preliminary application has been heard and approved", so that the subsection shall read as follows: R.S.O. 1960, c. 218, s. 36, subs. 2, amended

Preliminary  
application

- (2) No application for a licence shall be heard at any special meeting until a preliminary application has been heard and approved by the Board.

R.S.O. 1960,  
c. 218, s. 37,  
amended

4. Section 37 of *The Liquor Licence Act* is amended by striking out "After leave has been obtained" at the commencement and inserting in lieu thereof "After the preliminary application has been approved", so that the first three lines of the section shall read as follows:

Publication  
of notice

37. After the preliminary application has been approved under section 36, notice of the application for a licence in the form prescribed by the regulations shall be published twice,

. . . . .

R.S.O. 1960,  
c. 218, s. 43,  
amended

5. Section 43 of *The Liquor Licence Act* is amended by adding "or" at the end of clause *e* and by adding thereto the following clause:

- (f) if the licence holder is bankrupt or if a mortgagee enters into possession of the licensed establishment, but, notwithstanding sections 36 and 37, the Board may issue a temporary licence to a trustee in bankruptcy or a mortgagee in possession for not more than six months in order that he may dispose of the licensed establishment.

R.S.O. 1960,  
c. 218,  
amended

6. *The Liquor Licence Act* is amended by adding thereto the following section:

Right of  
appeal

- 43a. Any licence holder whose licence is cancelled under section 42 or 43 may appeal from the order of the Board cancelling the licence, and the provisions of *The Liquor Control Act* relating to appeals apply *mutatis mutandis* to the appeal.

R.S.O. 1960,  
c. 217

R.S.O. 1960,  
c. 218, s. 52,  
re-enacted

7. Section 52 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Public house  
licences,  
where two  
issued for  
an estab-  
lishment

52. Except as permitted by the Board, where two premises are issued public house licences in an establishment, each of such premises shall have separate entrances for the public.

Commence-  
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Liquor Licence Amendment Act, 1961-62*.





1875  
1876  
1877

1878  
1879  
1880

The Liquor Licence Act

*1st Reading*

April 13th, 1962

*2nd Reading*

April 17th, 1962

*3rd Reading*

April 18th, 1962

MR. ROBARTS



## **BILL 177**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

---

**A. Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1962, and the 31st day of March, 1963**

---

**MR. ALLAN (Haldimand-Norfolk)**

---

THE GREAT WALL OF CHINA

Money for the public works, ending the 31st day of March, 1904

THE GREAT WALL OF CHINA

BILL 177

1961-62

**An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1962, and the 31st day of March, 1963**

**MOST GRACIOUS SOVEREIGN :**

**W**HEREAS it appears by messages from the Honourable Preamble  
John Keiller Mackay, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the schedules to this Act are required to defray certain expenses of the public services of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1962, and for the fiscal year ending the 31st day of March, 1963, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. In addition to the sum of \$1,004,083,500 granted by *The Supply Act, 1960-61*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole <sup>\$13,973,000 granted for fiscal year 1961-62</sup> \$13,973,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1961, to the 31st day of March, 1962, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the further supplementary estimates upon which such schedule is based. <sup>1960-61, c. 96</sup>

2. There may be paid out of the Consolidated Revenue <sup>\$1,077,440,000 granted for fiscal year 1962-63</sup> Fund a sum not exceeding in the whole \$1,077,440,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1962, to the 31st day of March, 1963, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

- Accounting  
for  
expenditure      **3.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.
- Commence-  
ment      **4.** This Act comes into force on the day it receives Royal Assent.
- Short title      **5.** This Act may be cited as *The Supply Act, 1961-62*.

## SCHEDULE A

Department of Education .....	\$ 10,073,000
Department of Health .....	2,900,000
Treasury Department .....	1,000,000
	<hr/>
	\$ 13,973,000
	<hr/>

## SCHEDULE B

Department of Agriculture .....	\$ 17,431,000
Department of the Attorney General .....	25,316,000
Department of Economics and Development ..	11,541,000
Department of Education .....	318,255,000
Department of Energy Resources .....	725,000
Department of Health .....	149,218,000
Department of Highways .....	264,276,000
Department of Insurance .....	466,000
Department of Labour .....	14,981,000
Department of Lands and Forests .....	31,895,000
Office of the Lieutenant Governor .....	26,000
Department of Mines .....	3,092,000
Department of Municipal Affairs .....	75,480,000
Department of the Prime Minister .....	169,000
Office of the Provincial Auditor .....	498,000
Department of the Provincial Secretary and Citizenship .....	3,903,000
Department of Public Welfare .....	76,191,000
Department of Public Works .....	49,877,000
Department of Reform Institutions .....	18,307,000
Department of Transport .....	5,810,000
Department of Travel and Publicity .....	2,223,000
Treasury Department .....	7,760,000
	<hr/>
	\$1,077,440,000
	<hr/>



2

1877

1877

1877

An Act for granting to Her Majesty certain  
Public Service for  
the fiscal years ending the 31st day  
of March, 1962, and the 31st  
day of March, 1963

---

*1st Reading*

April 18th, 1962

*2nd Reading*

April 18th, 1962

*3rd Reading*

April 18th, 1962

---

MR. ALLAN (Haldimand-Norfolk)

---



# **BILL Pr1**

---

**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

---

## **An Act respecting Greater Oshawa Community Chest**

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**MR. THOMAS**

---

**(PRIVATE BILL)**

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BILL Pr1

1961-62

## An Act respecting Greater Oshawa Community Chest

**W**HEREAS Greater Oshawa Community Chest by its <sup>Preamble</sup> petition has represented that it was incorporated under *The Corporations Act, 1953*; and whereas the petitioner has <sup>1953, c. 19</sup> prayed for special legislation in respect of the matter herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding subsection 2 of section 79 of *The* <sup>Notice of meetings</sup> *Corporations Act*, Greater Oshawa Community Chest may <sup>R.S.O. 1960, c. 71</sup> give notice of meetings of its members by publishing such notice at least once in a daily newspaper published in the City of Oshawa in such manner as the by-laws of Greater Oshawa Community Chest may now or hereafter provide.

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

3. This Act may be cited as *The Greater Oshawa Community* <sup>Short title</sup> *Chest Act, 1961-62*.

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. THOMAS

(*Private Bill*)

# **BILL Pr1**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

---

**An Act respecting Greater Oshawa Community Chest**

---

**MR. THOMAS**

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THE NEW YORK PUBLIC LIBRARY

ASTOR LENOX TILDEN FOUNDATION

BILL Pr1

1961-62

## An Act respecting Greater Oshawa Community Chest

**W**HEREAS Greater Oshawa Community Chest by its <sup>Preamble</sup> petition has represented that it was incorporated under *The Corporations Act, 1953*; and whereas the petitioner has <sup>1953, c. 19</sup> prayed for special legislation in respect of the matter herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding subsection 2 of section 79 of *The Corporations Act*, Greater Oshawa Community Chest may <sup>Notice of meetings</sup> give notice of meetings of its members by publishing such <sup>R.S.O. 1960, c. 71</sup> notice at least once in a daily newspaper published in the City of Oshawa in such manner as the by-laws of Greater Oshawa Community Chest may now or hereafter provide.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Greater Oshawa Community Chest Act, 1961-62*. <sup>Short title</sup>

Greater Oshawa Community Chest

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*1st Reading*

November 30th, 1961

*2nd Reading*

February 23rd, 1962

*3rd Reading*

March 12th, 1962

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MR. THOMAS

---



# **BILL Pr2**

---

**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the Village of Erie Beach**

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**MR. SPENCE**

---

**(PRIVATE BILL)**



BILL Pr2

1961-62

## An Act respecting the Village of Erie Beach

**W**HEREAS The Corporation of the Village of Erie Beach <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *An Act to incorporate the Village of Erie Beach*, <sup>1916, c. 70, s. 4,</sup> being chapter 70 of the Statutes of Ontario, 1916, is <sup>re-enacted</sup> repealed and the following substituted therefor:

4. The village is entitled to be represented in the <sup>Representa-</sup> council of the County of Kent. <sup>tion in</sup>  
<sup>county</sup>  
<sup>council</sup>

2. Subsection 1 of section 7 of the said *An Act to incorporate the Village of Erie Beach* is amended by striking out "except <sup>1916, c. 70, s. 7, subs. 1,</sup> that it shall not be necessary for a person to reside within the said village or within two miles thereof in order to be qualified to be elected a member of the Council" in the sixth, seventh and eighth lines, so that the subsection shall read as follows:

(1) Save as in this Act otherwise expressly provided, all <sup>Application</sup> the provisions of *The Municipal Act* and of any <sup>of</sup> other general Act applicable to villages shall apply <sup>R.S.O. 1960,</sup> to the said village to the same extent as if the said <sup>c. 249</sup> village had been incorporated under the provisions of *The Municipal Act*.

3. This Act comes into force on the 1st day of January, <sup>Commence-</sup> 1962. <sup>ment</sup>

4. This Act may be cited as *The Village of Erie Beach Act*, <sup>Short title</sup> 1961-62.

---

*1st Reading*

November 30th, 1961

*2nd Reading*

*3rd Reading*

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MR. SPENCE

---

(*Private Bill*)

# **BILL Pr2**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the Village of Erie Beach**

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**MR. SPENCE**

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*(Reprinted as amended by the Committee on Private Bills)*

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**TORONTO**  
**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL Pr2

1961-62

## An Act respecting the Village of Erie Beach

**W**HEREAS The Corporation of the Village of Erie Beach <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *An Act to incorporate the Village of Erie Beach*, being chapter 70 of the Statutes of Ontario, 1916, is <sup>1916, c. 70, s. 4, re-enacted</sup> repealed and the following substituted therefor:

4. The village is entitled to be represented in the <sup>Represent-</sup> council of the County of Kent. <sup>tation in</sup>  
<sup>county</sup>  
<sup>council</sup>

2. Subsection 1 of section 7 of the said *An Act to incorporate the Village of Erie Beach* is amended by striking out "except <sup>1916, c. 70, s. 7, subs. 1, amended</sup> that it shall not be necessary for a person to reside within the said village or within two miles thereof in order to be qualified to be elected a member of the Council" in the sixth, seventh and eighth lines, so that the subsection shall read as follows:

(1) Save as in this Act otherwise expressly provided, all <sup>Application of</sup> the provisions of *The Municipal Act* and of any <sup>R.S.O. 1960, c. 249</sup> other general Act applicable to villages shall apply to the said village to the same extent as if the said village had been incorporated under the provisions of *The Municipal Act*.

3. This Act shall be deemed to have come into force on the <sup>Commence-</sup> 1st day of January, 1962. <sup>ment</sup>

4. This Act may be cited as *The Village of Erie Beach Act*, <sup>Short title</sup> 1961-62.

An Act respecting  
the Village of Erie Beach

*1st Reading*

November 30th, 1961

*2nd Reading*

*3rd Reading*

MR. SPENCE

(Reprinted as amended by the  
Committee on Private Bills)



## **BILL Pr2**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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### **An Act respecting the Village of Erie Beach**

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MR. SPENCE

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12. 11.

BILL Pr2

1961-62

## An Act respecting the Village of Erie Beach

**W**HEREAS The Corporation of the Village of Erie Beach <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *An Act to incorporate the Village of Erie Beach*, being chapter 70 of the Statutes of Ontario, 1916, is <sup>1916, c. 70, s. 4,</sup> re-enacted repealed and the following substituted therefor:

4. The village is entitled to be represented in the <sup>Represent-</sup> council of the County of Kent. <sup>ation in</sup>  
<sup>county</sup>  
<sup>council</sup>

2. Subsection 1 of section 7 of the said *An Act to incorporate the Village of Erie Beach* is amended by striking out "except <sup>1916, c. 70, s. 7, subs. 1,</sup> that it shall not be necessary for a person to reside within the said village or within two miles thereof in order to be qualified to be elected a member of the Council" in the sixth, seventh and eighth lines, so that the subsection shall read as follows:

(1) Save as in this Act otherwise expressly provided, all <sup>Application</sup> the provisions of *The Municipal Act* and of any <sup>of</sup> other general Act applicable to villages shall apply <sup>R.S.O. 1960, c. 249</sup> to the said village to the same extent as if the said village had been incorporated under the provisions of *The Municipal Act*.

3. This Act shall be deemed to have come into force on the <sup>Commence-</sup> 1st day of January, 1962. <sup>ment</sup>

4. This Act may be cited as *The Village of Erie Beach Act*, <sup>Short title</sup> 1961-62.

AN ACT RESPECTING  
the Village of Erie Beach

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*1st Reading*

November 30th, 1961

*2nd Reading*

March 1st, 1962

*3rd Reading*

March 20th, 1962

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MR. SPENCE

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# **BILL Pr3**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the City of Belleville**

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**MR. SANDERCOCK**

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**(PRIVATE BILL)**

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**TORONTO  
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL Pr3

1961-62

## An Act respecting the City of Belleville

**W**HEREAS The Corporation of the City of Belleville by <sup>Preamble</sup> its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 12 of *The City of Belleville Act*, <sup>1948, c. 102,</sup> 1948 is amended by adding at the end thereof "or in a trust <sup>s. 12, subs. 1</sup> amended company registered under *The Loan and Trust Corporations Act*", so that the subsection shall read as follows:

- (1) All moneys received by the Board of Governors or <sup>Disposition of moneys</sup> by the officer in charge of the Hospital, for the uses thereof, shall be deposited in a special account to be kept in the name of the Board of Governors in a chartered bank in the City of Belleville or in a trust company registered under *The Loan and Trust* <sup>R.S.O. 1960,</sup> *Corporations Act*. <sup>c. 222</sup>

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

3. This Act may be cited as *The City of Belleville Act*, <sup>Short title</sup> 1961-62.

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. SANDERCOCK

*(Private Bill)*



# **BILL Pr3**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the City of Belle ville**

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**MR. SANDERCOCK**

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11. n/

BILL Pr3

1961-62

## An Act respecting the City of Belleville

**W**HEREAS The Corporation of the City of Belleville by <sup>Preamble</sup> its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 12 of *The City of Belleville Act*, <sup>1948, c. 102,</sup> 1948 is amended by adding at the end thereof "or in a trust <sup>s. 12, subs. 1, amended</sup> company registered under *The Loan and Trust Corporations Act*", so that the subsection shall read as follows:

- (1) All moneys received by the Board of Governors or <sup>Disposition of moneys</sup> by the officer in charge of the Hospital, for the uses thereof, shall be deposited in a special account to be kept in the name of the Board of Governors in a chartered bank in the City of Belleville or in a trust company registered under *The Loan and Trust* <sup>R.S.O. 1960, c. 222</sup> *Corporations Act*.

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

3. This Act may be cited as *The City of Belleville Act*, <sup>Short title</sup> 1961-62.

An Act respecting the City of Belleville

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*1st Reading*

November 30th, 1961

*2nd Reading*

February 23rd, 1962

*3rd Reading*

March 12th, 1962

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MR. SANDERCOCK

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**BILL Pr4**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting  
The Queen Elizabeth Hospital for Incurables, Toronto**

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**MR. TROTTER**

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**(PRIVATE BILL)**



BILL Pr4

1961-62

## An Act respecting The Queen Elizabeth Hospital for Incurables, Toronto

**W**HEREAS The Queen Elizabeth Hospital for Incurables, Preamble  
 Toronto by its petition has represented that it was  
 incorporated in the name "The Toronto Home for Incurables"  
 on the 5th day of August, 1874, under *An Act respecting*  
*Benevolent, Provident and other Societies*, being chapter 34 of  
 the Statutes of the Province of Ontario, 1874, that by an  
 order in council, approved by the Lieutenant-Governor on  
 the 16th day of February, 1907, its name was changed to  
 "The Toronto Hospital for Incurables", that by *The Queen* 1942, c. 56  
*Elizabeth Hospital for Incurables, Toronto, Act, 1942* its name  
 was changed to "The Queen Elizabeth Hospital for Incurables,  
 Toronto", and that it is desired to continue the corporate  
 existence of the corporation in the name "The Queen Elizabeth  
 Hospital, Toronto"; and whereas the petitioner has prayed  
 for special legislation to effect such purpose; and whereas it  
 is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. The corporate name of The Queen Elizabeth Hospital  
 for Incurables, Toronto is hereby changed to "The Queen <sup>Change of  
 name</sup>  
 Elizabeth Hospital, Toronto".

2. All trusts, gifts, devises and bequests which have been <sup>Trusts,  
 bequests,  
 etc.</sup>  
 heretofore or shall hereafter be made to or in favour of or  
 intended for The Toronto Home for Incurables, The Toronto  
 Hospital for Incurables or The Queen Elizabeth Hospital  
 for Incurables, Toronto shall be held and enjoyed by The  
 Queen Elizabeth Hospital, Toronto.

3. *The Queen Elizabeth Hospital for Incurables, Toronto, 1942, c. 56,  
 Act, 1942* is repealed. <sup>repealed</sup>

4. This Act comes into force on the day it receives Royal <sup>Commence-  
 ment</sup>  
 Assent.

5. This Act may be cited as *The Queen Elizabeth Hospital, Short title  
 Toronto Act, 1961-62.*

ALL ACT RESOLUTIONS AND  
Hospital for Incurables, Toronto

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. TROTTER

*(Private Bill)*



# **BILL Pr4**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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## **An Act respecting The Queen Elizabeth Hospital for Incurables, Toronto**

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MR. TROTTER

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TORONTO  
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

The Queen's

BILL Pr4

1961-62

## An Act respecting The Queen Elizabeth Hospital for Incurables, Toronto

**W**HEREAS The Queen Elizabeth Hospital for Incurables, Preamble  
Toronto by its petition has represented that it was  
incorporated in the name "The Toronto Home for Incurables"  
on the 5th day of August, 1874, under *An Act respecting*  
*Benevolent, Provident and other Societies*, being chapter 34 of  
the Statutes of the Province of Ontario, 1874, that by an  
order in council, approved by the Lieutenant-Governor on  
the 16th day of February, 1907, its name was changed to  
"The Toronto Hospital for Incurables", that by *The Queen* 1942, c. 56  
*Elizabeth Hospital for Incurables, Toronto, Act, 1942* its name  
was changed to "The Queen Elizabeth Hospital for Incurables,  
Toronto", and that it is desired to continue the corporate  
existence of the corporation in the name "The Queen Elizabeth  
Hospital, Toronto"; and whereas the petitioner has prayed  
for special legislation to effect such purpose; and whereas it  
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The corporate name of The Queen Elizabeth Hospital <sup>Change of</sup>  
for Incurables, Toronto is hereby changed to "The Queen <sup>name</sup>  
Elizabeth Hospital, Toronto".

2. All trusts, gifts, devises and bequests which have been <sup>Trusts,</sup>  
heretofore or shall hereafter be made to or in favour of or <sup>bequests,</sup>  
intended for The Toronto Home for Incurables, The Toronto <sup>etc.</sup>  
Hospital for Incurables or The Queen Elizabeth Hospital  
for Incurables, Toronto shall be held and enjoyed by The  
Queen Elizabeth Hospital, Toronto.

3. *The Queen Elizabeth Hospital for Incurables, Toronto,* 1942, c. 56,  
*Act, 1942* is repealed. <sup>repealed</sup>

4. This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

5. This Act may be cited as *The Queen Elizabeth Hospital,* Short title  
*Toronto Act, 1961-62.*

Hospital for Incurables, Toronto

*1st Reading*

November 30th, 1961

*2nd Reading*

February 23rd, 1962

*3rd Reading*

March 12th, 1962

MR. TROTTER

# **BILL Pr5**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the Town of Hearst**

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**MR. BRUNELLE**

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**(PRIVATE BILL)**

THE

THE

THE

BILL Pr5

1961-62

## An Act respecting the Town of Hearst

**W**HEREAS The Corporation of the Town of Hearst by <sup>Preamble</sup> its petition has represented that it is the registered owner of the land known as Parcel 724 in the Register for Centre Cochrane, District of Cochrane, on condition that such land be used for cemetery purposes only, as set out in a patent issued by the Department of Lands and Forests, and that a part of such land has been occupied for at least ten years by Joseph David Levesque in the operation of a saw mill and planing mill; and whereas the petitioner has prayed for special legislation to vest that part of such land occupied by Joseph David Levesque in the name of Joseph David Levesque in fee simple; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The land composed of that part of Parcel 724 in the Register for Centre Cochrane, District of Cochrane, now <sup>Land vested in J. D. Levesque</sup> occupied by Joseph David Levesque, and more particularly described as follows:

IN THE Town of Hearst in the District of Cochrane, being part of the unsubdivided portion of the said town, and being part of the land entered in the Office of Land Titles at Cochrane as Parcel 724 in the Register for Centre Cochrane, containing 0.86 acres, be the same more or less, as shown on a sketch by A. M. Mackay, Ontario Land Surveyor, dated at Cochrane, Ontario, September 14, 1961, described as follows:—

PREMISING that the southerly limit of the 66-foot road allowance laid out along the southerly limit of the Right of Way of the Canadian National Railways has a bearing of North 74 degrees, 20 minutes West, and relating all bearings herein thereto:

STARTING at the intersection of the easterly limit of First Street with the southerly limit of the 66-foot road allowance aforesaid;

THENCE South 74 degrees, 20 minutes East along said southerly limit of road allowance 1280.27 feet (19.398 chains) to a survey post planted at the point of commencement;

THENCE South 15 degrees, 40 minutes West 163.82 feet to the northerly limit of River Street as shown on Plan M-30 Cochrane;

THENCE North 53 degrees, 59 minutes West along the northerly limit of River Street 89.90 feet to a survey post planted;

THENCE North 15 degrees, 40 minutes East 268.96 feet to a survey post planted;

THENCE North 2 degrees, 06 minutes West 163.82 feet to a survey post planted in the southerly limit of the 66-foot road allowance aforesaid;

THENCE South 74 degrees, 20 minutes East along said southerly limit 134.29 feet, more or less, to the point of commencement.

is hereby vested in Joseph David Levesque, of the Town of Hearst in the District of Cochrane, in fee simple.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Town of Hearst Act, 1961-62*.







3

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*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

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MR. BRUNELLE

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*(Private Bill)*

# **BILL Pr5**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the Town of Hearst**

---

**MR. BRUNELLE**

---

*(Reprinted as amended by the Committee on Private Bills)*



BILL Pr5

1961-62

## An Act respecting the Town of Hearst

**W**HEREAS The Corporation of the Town of Hearst by <sup>Preamble</sup> its petition has represented that it is the registered owner of the land known as Parcel 724 in the Register for Centre Cochrane, District of Cochrane, on condition that such land be used for cemetery purposes only, as set out in a patent issued by the Department of Lands and Forests, and that a part of such land has been occupied for at least ten years by Joseph David Levesque in the operation of a saw mill and planing mill; and whereas the petitioner has prayed for special legislation to vest that part of such land occupied by Joseph David Levesque in the name of Joseph David Levesque in fee simple; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The land composed of that part of Parcel 724 in the Register for Centre Cochrane, District of Cochrane, now <sup>Land vested in J. D. Levesque</sup> occupied by Joseph David Levesque, and more particularly described as follows:

IN THE Town of Hearst in the District of Cochrane, being part of the unsubdivided portion of the said town, and being part of the land entered in the Office of Land Titles at Cochrane as Parcel 724 in the Register for Centre Cochrane, containing 0.86 acres, be the same more or less, as shown on a sketch by A. M. Mackay, Ontario Land Surveyor, dated at Cochrane, Ontario, September 14, 1961, described as follows:—

PREMISING that the southerly limit of the 66-foot road allowance laid out along the southerly limit of the Right of Way of the Canadian National Railways has a bearing of North 74 degrees, 20 minutes West, and relating all bearings herein thereto:

STARTING at the intersection of the easterly limit of First Street with the southerly limit of the 66-foot road allowance aforesaid;

THENCE South 74 degrees, 20 minutes East along said southerly limit of road allowance 1280.27 feet (19.398 chains) to a survey post planted at the point of commencement;

THENCE South 15 degrees, 40 minutes West 456.23 feet to the northerly limit of River Street as shown on Plan M-30 Cochrane;

THENCE North 53 degrees, 59 minutes West along the northerly limit of River Street 89.90 feet to a survey post planted;

THENCE North 15 degrees, 40 minutes East 268.96 feet to a survey post planted;

THENCE North 2 degrees, 06 minutes West 163.82 feet to a survey post planted in the southerly limit of the 66-foot road allowance aforesaid;

THENCE South 74 degrees, 20 minutes East along said southerly limit 134.29 feet, more or less, to the point of commencement.

is hereby vested in Joseph David Levesque, of the Town of Hearst in the District of Cochrane, in fee simple.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Town of Hearst Act, 1961-62.*









*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

---

MR. BRUNELLE

---

*(Reprinted as amended by the Committee on  
Private Bills)*

# **BILL Pr5**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the Town of Hearst**

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**MR. BRUNELLE**

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**TORONTO**  
**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

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Printed and Published by

BILL Pr5

1961-62

## An Act respecting the Town of Hearst

**W**HEREAS The Corporation of the Town of Hearst by <sup>Preamble</sup> its petition has represented that it is the registered owner of the land known as Parcel 724 in the Register for Centre Cochrane, District of Cochrane, on condition that such land be used for cemetery purposes only, as set out in a patent issued by the Department of Lands and Forests, and that a part of such land has been occupied for at least ten years by Joseph David Levesque in the operation of a saw mill and planing mill; and whereas the petitioner has prayed for special legislation to vest that part of such land occupied by Joseph David Levesque in the name of Joseph David Levesque in fee simple; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The land composed of that part of Parcel 724 in the Register for Centre Cochrane, District of Cochrane, now <sup>Land vested in J. D. Levesque</sup> occupied by Joseph David Levesque, and more particularly described as follows:

IN THE TOWN of Hearst in the District of Cochrane, being part of the unsubdivided portion of the said town, and being part of the land entered in the Office of Land Titles at Cochrane as Parcel 724 in the Register for Centre Cochrane, containing 0.86 acres, be the same more or less, as shown on a sketch by A. M. Mackay, Ontario Land Surveyor, dated at Cochrane, Ontario, September 14, 1961, described as follows:—

PREMISING that the southerly limit of the 66-foot road allowance laid out along the southerly limit of the Right of Way of the Canadian National Railways has a bearing of North 74 degrees, 20 minutes West, and relating all bearings herein thereto:

STARTING at the intersection of the easterly limit of First Street with the southerly limit of the 66-foot road allowance aforesaid;

THENCE South 74 degrees, 20 minutes East along said southerly limit of road allowance 1280.27 feet (19.398 chains) to a survey post planted at the point of commencement;

THENCE South 15 degrees, 40 minutes West 456.23 feet to the northerly limit of River Street as shown on Plan M-30 Cochrane;

THENCE North 53 degrees, 59 minutes West along the northerly limit of River Street 89.90 feet to a survey post planted;

THENCE North 15 degrees, 40 minutes East 268.96 feet to a survey post planted;

THENCE North 2 degrees, 06 minutes West 163.82 feet to a survey post planted in the southerly limit of the 66-foot road allowance aforesaid;

THENCE South 74 degrees, 20 minutes East along said southerly limit 134.29 feet, more or less, to the point of commencement.

is hereby vested in Joseph David Levesque, of the Town of Hearst in the District of Cochrane, in fee simple.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Town of Hearst Act, 1961-62*.







December 27th 1881

1st Reading

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*1st Reading*

December 7th, 1961

*2nd Reading*

March 1st, 1962

*3rd Reading*

March 20th, 1962

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MR. BRUNELLE

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# **BILL Pr6**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the Town of Orillia**

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**MR. LETHERBY**

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**(PRIVATE BILL)**



BILL Pr6

1961-62

## An Act respecting the Town of Orillia

**W**HEREAS The Corporation of the Town of Orillia, <sup>Preamble</sup> herein called the Corporation, by its petition has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any special or general Act, where a person has been required to pay the entire cost of any work, <sup>Cost of local improvements R.S.O. 1960, c. 223</sup> as defined in *The Local Improvement Act*, pursuant to an agreement or to the provisions of the by-laws of the Corporation, and the work is in a highway upon which lots abut directly that are not owned by the person who has paid the entire cost thereof, the Corporation and The Orillia Water, Light and Power Commission shall not be required to permit the owners of such lots to connect to or use such works until the cost has been paid by such owners according to the extent of their respective frontages thereon, determined by an equal charge per foot of such frontage.

(2) The following may be included in the cost of the work: <sup>What included in cost</sup>

1. The actual cost paid.

2. Interest.

2. Where the work mentioned in section 1 is the opening <sup>Building permits</sup> of a street, curbs and gutters or sidewalks, the Corporation shall not be required to issue a building permit for such lots until such cost has been paid.

3. The Corporation and The Orillia Water, Light and Power Commission, when they receive payment of the frontage <sup>Repayment to person who paid cost in first instance</sup> charges mentioned in section 1, shall repay the same to the person who in the first instance paid for the entire cost of the work.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Town of Orillia Act, 1961-62.*









*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

MR. LETHERBY

*(Private Bill)*

**BILL Pr7**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting the City of London**

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**MR. WHITE**

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**(PRIVATE BILL)**

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**TORONTO  
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

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BILL Pr7

1961-62

## An Act respecting the City of London

**W**HEREAS The Corporation of the City of London, Preamble  
 herein called the Corporation, by its petition has prayed  
 for special legislation in respect of the matters hereinafter  
 set forth; and whereas it is expedient to grant the prayer of  
 the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. The Corporation is authorized and empowered to refund Cancellation  
of taxes  
authorized  
 or cancel and strike off the collector's roll of taxes for the year  
 1960 the sum of \$3,472.58, and all penalties and interest  
 thereon, for land and business tax levied in respect of premises  
 of London Little Theatre Limited, known as the Grand  
 Theatre, which were occupied for theatre purposes during such  
 year.

2.—(1) The agreement made between the Corporation and Agreement  
validated  
 London Free Press Printing Company Limited, dated the  
 20th day of October, 1961, set forth as the Schedule hereto, is  
 declared to be legal, valid and binding upon the Corporation  
 and the ratepayers and inhabitants thereof, and the parties  
 thereto are authorized and empowered to carry out the terms  
 thereof.

(2) It is not necessary, in exercising the powers referred to Application  
of  
R.S.O. 1960,  
c. 249  
 in the agreement, to observe or perform any of the conditions  
 or provisions of *The Municipal Act* applicable to street closing.

3. By-law No. 69 of the Township of London, passed on By-law  
validated  
 the 15th day of December, 1871, purporting to close a road  
 laid out through the southwest quarter of Lot 15, in the  
 Fifth Concession of the Township of London (now in the City  
 of London), and vesting one-half thereof in each of the ad-  
 joining landowners, is declared to be valid and binding and  
 to have vested the fee in the road in the adjoining land  
 owners as therein provided.

Charges for  
repair of  
drains  
R.S.O. 1960,  
c. 252

4.—(1) Whenever it becomes necessary from time to time to maintain or repair a drain constructed under the provisions of *The Municipal Drainage Act*, the Corporation is authorized and empowered to assume and pay out of the general funds of the municipality any charge of \$5 or less that would otherwise be assessed against an individual property.

Charge  
in excess  
of \$5

(2) Whenever any such charge exceeds \$5, the Corporation is authorized and empowered to add the charge to the collector's roll in respect of such property, and it shall thereupon be collected in the same manner as municipal real property taxes, with similar powers of levy, distress and sale in the event of non-payment.

1960, c. 153,  
s. 2, subs. 1,  
cl. f,  
re-enacted

5. Clause *f* of subsection 1 of section 2 of *The City of London Act, 1960* is repealed and the following substituted therefor:

(f) that past service pension shall be limited so that the combined past and future service pension purchased with standard joint contributions on a five-year guaranteed basis shall not exceed three-fifths of the average of the annual salary of the employee for the three years immediately preceding the normal retirement date.

Lands held  
as security

6.—(1) Lands taken and held for the purpose of security for the performance of agreements for the development of land by the Corporation and lands taken for such purpose that are within those portions of the townships of London and Westminster that were annexed to the City of London by order of the Ontario Municipal Board, dated the 3rd day of October, 1960, are vested in the City of London.

Agreements  
for develop-  
ment of land  
authorized

(2) The Corporation is authorized and empowered to enter into and enforce agreements for the proper development of land and to impose conditions for the proper development and improvement of land.

Establish-  
ment, etc., of  
highways  
validated

7.—(1) Highways within the City of London that have heretofore been established, widened or diverted by by-law of the Corporation are declared to have been legally established, widened or diverted.

Effect on  
rights  
acquired

(2) Nothing herein prejudices or affects the rights acquired by any person from a judgment or order of any court prior to the day upon which this Act comes into force or affects any action or motion in any court now commenced.



8. The Corporation is authorized and empowered, at the expense of the Corporation, to procure, upon such terms and conditions as to the council of the Corporation may appear proper, accident and indemnity insurance covering the members of council, the clerk, finance commissioner and engineer of the Corporation in respect of occurrences while on the business of the Corporation, and to name the respective persons or their nominees as beneficiaries in respect of such policy or policies.

Insurance  
for members  
of council,  
etc.

9. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

10. The Act may be cited as *The City of London Act*, 1961-62.

Short title

## SCHEDULE

THIS AGREEMENT made (in duplicate) this 20th day of October, in the year of Our Lord one thousand nine hundred and sixty-one

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON  
(hereinafter called the City),

OF THE FIRST PART,

— and —

LONDON FREE PRESS PRINTING COMPANY LIMITED  
(hereinafter called the Company),

OF THE SECOND PART.

WHEREAS by Statutes of Ontario, 53 Victoria, chapter 89, the City was empowered to make, and made, a conveyance to E. Leonard & Sons of the southerly thirty-three feet of York Street, lying between Waterloo and Colborne Streets, in the City of London, subject to the proviso that the same should revert to the City if the same should cease to be used for manufacturing purposes, and subject thereto the lands should be vested in the said firm in fee simple;

AND WHEREAS in pursuance of the said powers and a by-law passed by the City on the 15th day of December, 1890, as No. 555 and the agreement of E. Leonard & Sons that suitable brick buildings for manufacturing purposes should be erected by the said firm, which buildings were so erected, the City conveyed to the said firm, by deed dated the 9th day of March, 1891, the said southerly thirty-three feet of York Street, lying between Colborne and Waterloo Streets;

AND WHEREAS the Company has acquired an option to purchase lands in the City of London, lying north of the Canadian National Railway right of way, west of Colborne Street, east of Waterloo Street and south of York Street, including the southerly thirty-three feet of York Street so conveyed by the City to E. Leonard & Sons by the said deed dated the 9th day of March, 1891, for the purpose of erecting thereon substantial buildings for the production and manufacture of its newspaper;

AND WHEREAS the said lands have been so used for manufacturing purposes and the Company desires that, before exercising the said option to purchase and undertaking the expenditure of large sums of money for the construction of a new building for the purpose of production and manufacture of its newspaper and for the equipment of such building, any limitations on title to the said portion of York Street should be removed;

AND WHEREAS the parties hereto have agreed in the manner herein-after provided;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of One dollar now paid by each of the parties hereto to the other (the receipt whereof is hereby by each of them acknowledged) the parties hereto mutually COVENANT AND AGREE each with the other as follows:

1. The City will grant, release and quitclaim unto the Company all covenants, conditions, provisos and agreements, including the right of reversion referred to in the said Statute, by-law, agreement and deed, to the effect that the lands referred to therein shall vest in fee simple in possession in the Company, free from any rights of the City or the rate-payers and inhabitants thereof, including rights of forfeiture or reversion.

2. The Company will convey to the City for highway purposes the northerly ten feet of the said southerly thirty-three feet of York Street, without consideration, notwithstanding that the cost to the Company of the said portion so to be conveyed is approximately \$22,000. The City will, when the said ten feet are so conveyed, pass a by-law constituting the same a public highway as an addition to York Street (the southerly limit of the said ten feet after such addition is hereinafter referred to as the "new southerly limit").

3. The City will use its best endeavours to obtain from Canadian National Railway a consent to the closing of the stub end of Waterloo Street lying between the Canadian National Railway right of way and the extension westerly of the new southerly limit of York Street. The City will, upon obtaining such consent, pass a by-law carrying out the said closing, and will convey for a nominal consideration the easterly one-half of the said portion so closed to the Company, and the remainder to the Canadian National Railway.

4. The City will, at the request of the Company, and when traffic conditions make the said desirable, establish traffic lights at the intersection of Waterloo and York Streets to regulate traffic, which traffic lights shall regulate traffic to and from that portion of Waterloo Street proposed to be stopped up and closed as effectively after closing as before.

5. The City will at its own expense,

- (a) subject to the provisions of paragraph 6 of this agreement, within the twelve months following the Company's occupation of its proposed building, construct a curb and gutter at the northerly limit of the said ten feet to be conveyed to the City and a five-foot sidewalk along the new southerly limit of York Street between Colborne Street and Waterloo Street;
- (b) within the said twelve-month period, widen the travelled portion of the said street to give and maintain three lanes of east bound vehicular traffic immediately adjoining the said curb and gutter;
- (c) within fifteen years following the Company's occupation of its proposed building, enter into and carry to completion a street widening programme so that there will be the said three lanes of east bound traffic, a median of minimum width of eleven feet, the southerly limit of which will be forty-six feet north of the new southerly limit of York Street, and which will provide left turn lanes for east and west bound vehicular traffic, and also provide for passages across such median with appropriate holding lanes to serve traffic to and from the Company's premises.

6. The City will, at the Company's request, extend the said sidewalk northerly by an amount not exceeding five additional feet; the manner in which the cost thereof shall be borne shall be first agreed upon by the City and the Company.

7. The City agrees to apply forthwith for special legislation to declare this agreement legal, valid and binding upon the parties hereto and the ratepayers and inhabitants of the City, empowering the parties to carry out the same and to provide that the provisions of *The Municipal Act* shall not apply to the said street closing.

8. If the Company shall fail to exercise its option to purchase the lands in question and to obtain a conveyance thereof, this agreement shall be of no further force and effect.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF  
LONDON:

J. G. STRONACH,  
*Mayor.*

(Seal)

W. S. ROSS,  
*Deputy Clerk.*

LONDON FREE PRESS PRINTING  
COMPANY LIMITED:

A. R. FORD,  
*Vice-President.*

(Seal)

H. R. DAVIDSON,  
*Secretary.*





121 1000000

*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

MR. WHITE

*(Private Bill)*



**BILL Pr7**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting the City of London**

---

**MR. WHITE**

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*(Reprinted as amended by the Committee on Private Bills)*

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BILL Pr7

1961-62

## An Act respecting the City of London

**W**HEREAS The Corporation of the City of London, Preamble  
herein called the Corporation, by its petition has prayed  
for special legislation in respect of the matters hereinafter  
set forth; and whereas it is expedient to grant the prayer of  
the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The Corporation is authorized and empowered to refund Cancellation  
of taxes  
authorized  
or cancel and strike off the collector's roll of taxes for the year  
1960 the sum of \$3,472.58, and all penalties and interest  
thereon, for land and business tax levied in respect of premises  
of London Little Theatre Limited, known as the Grand  
Theatre, which were occupied for theatre purposes during such  
year.

2.—(1) The agreement made between the Corporation and Agreement  
validated  
London Free Press Printing Company Limited, dated the  
20th day of October, 1961, set forth as the Schedule hereto, is  
declared to be legal, valid and binding upon the Corporation  
and the ratepayers and inhabitants thereof, and the parties  
thereto are authorized and empowered to carry out the terms  
thereof.

(2) It is not necessary, in exercising the powers referred to Application  
of  
R.S.O. 1960,  
c. 249  
in the agreement, to observe or perform any of the conditions  
or provisions of *The Municipal Act* applicable to street closing.

3. By-law No. 69 of the Township of London, passed on By-law  
validated  
the 15th day of December, 1871, purporting to close a road  
laid out through the southwest quarter of Lot 15, in the  
Fifth Concession of the Township of London (now in the City  
of London), and vesting one-half thereof in each of the ad-  
joining landowners, is declared to be valid and binding and  
to have vested the fee in the road in the adjoining land  
owners as therein provided.

Charges for  
repair of  
drains  
R.S.O. 1960,  
c. 252

4.—(1) Whenever it becomes necessary from time to time to maintain or repair a drain constructed under the provisions of *The Municipal Drainage Act*, the Corporation is authorized and empowered to assume and pay out of the general funds of the municipality any charge of \$5 or less that would otherwise be assessed against an individual property.

Charge  
in excess  
of \$5

(2) Whenever any such charge exceeds \$5, the Corporation is authorized and empowered to add the charge to the collector's roll in respect of such property, and it shall thereupon be collected in the same manner as municipal real property taxes, with similar powers of levy, distress and sale in the event of non-payment.

1960, c. 153,  
s. 2, subs. 1,  
cl. f,  
re-enacted

5. Clause *f* of subsection 1 of section 2 of *The City of London Act, 1960* is repealed and the following substituted therefor:

(f) that past service pension shall be limited so that the combined past and future service pension purchased with standard joint contributions on a five-year guaranteed basis shall not exceed three-fifths of the average of the annual salary of the employee for the three years immediately preceding the normal retirement date.

Lands held  
as security

6. Lands taken and held for the purpose of security for the performance of agreements for the development of land by the Corporation and lands taken for such purpose that are within those portions of the townships of London and Westminster that were annexed to the City of London by order of the Ontario Municipal Board, dated the 3rd day of October, 1960, are vested in the City of London.

Establish-  
ment, etc., of  
highways  
validated

7.—(1) Highways within the City of London that have heretofore been established, widened or diverted by by-law of the Corporation are declared to have been legally established, widened or diverted.

Effect on  
rights  
acquired

(2) Nothing herein prejudices or affects the rights acquired by any person prior to the day upon which this Act comes into force or affects any action or motion in any court now commenced.

Commence-  
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The Act may be cited as *The City of London Act, 1961-62*.

## SCHEDULE

THIS AGREEMENT made (in duplicate) this 20th day of October, in the year of Our Lord one thousand nine hundred and sixty-one

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON  
(hereinafter called the City),

OF THE FIRST PART,

— and —

LONDON FREE PRESS PRINTING COMPANY LIMITED  
(hereinafter called the Company),

OF THE SECOND PART.

WHEREAS by Statutes of Ontario, 53 Victoria, chapter 89, the City was empowered to make, and made, a conveyance to E. Leonard & Sons of the southerly thirty-three feet of York Street, lying between Waterloo and Colborne Streets, in the City of London, subject to the proviso that the same should revert to the City if the same should cease to be used for manufacturing purposes, and subject thereto the lands should be vested in the said firm in fee simple;

AND WHEREAS in pursuance of the said powers and a by-law passed by the City on the 15th day of December, 1890, as No. 555 and the agreement of E. Leonard & Sons that suitable brick buildings for manufacturing purposes should be erected by the said firm, which buildings were so erected, the City conveyed to the said firm, by deed dated the 9th day of March, 1891, the said southerly thirty-three feet of York Street, lying between Colborne and Waterloo Streets;

AND WHEREAS the Company has acquired an option to purchase lands in the City of London, lying north of the Canadian National Railway right of way, west of Colborne Street, east of Waterloo Street and south of York Street, including the southerly thirty-three feet of York Street so conveyed by the City to E. Leonard & Sons by the said deed dated the 9th day of March, 1891, for the purpose of erecting thereon substantial buildings for the production and manufacture of its newspaper;

AND WHEREAS the said lands have been so used for manufacturing purposes and the Company desires that, before exercising the said option to purchase and undertaking the expenditure of large sums of money for the construction of a new building for the purpose of production and manufacture of its newspaper and for the equipment of such building, any limitations on title to the said portion of York Street should be removed;

AND WHEREAS the parties hereto have agreed in the manner hereinafter provided;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of One dollar now paid by each of the parties hereto to the other (the receipt whereof is hereby by each of them acknowledged) the parties hereto mutually COVENANT AND AGREE each with the other as follows:

1. The City will grant, release and quitclaim unto the Company all covenants, conditions, provisoes and agreements, including the right of reversion referred to in the said Statute, by-law, agreement and deed, to the effect that the lands referred to therein shall vest in fee simple in possession in the Company, free from any rights of the City or the rate-payers and inhabitants thereof, including rights of forfeiture or reversion.

2. The Company will convey to the City for highway purposes the northerly ten feet of the said southerly thirty-three feet of York Street, without consideration, notwithstanding that the cost to the Company of the said portion so to be conveyed is approximately \$22,000. The City will, when the said ten feet are so conveyed, pass a by-law constituting the same a public highway as an addition to York Street (the southerly limit of the said ten feet after such addition is hereinafter referred to as the "new southerly limit").

3. The City will use its best endeavours to obtain from Canadian National Railway a consent to the closing of the stub end of Waterloo Street lying between the Canadian National Railway right of way and the extension westerly of the new southerly limit of York Street. The City will, upon obtaining such consent, pass a by-law carrying out the said closing, and will convey for a nominal consideration the easterly one-half of the said portion so closed to the Company, and the remainder to the Canadian National Railway.

4. The City will, at the request of the Company, and when traffic conditions make the said desirable, establish traffic lights at the intersection of Waterloo and York Streets to regulate traffic, which traffic lights shall regulate traffic to and from that portion of Waterloo Street proposed to be stopped up and closed as effectively after closing as before.

5. The City will at its own expense,

- (a) subject to the provisions of paragraph 6 of this agreement, within the twelve months following the Company's occupation of its proposed building, construct a curb and gutter at the northerly limit of the said ten feet to be conveyed to the City and a five-foot sidewalk along the new southerly limit of York Street between Colborne Street and Waterloo Street;
- (b) within the said twelve-month period, widen the travelled portion of the said street to give and maintain three lanes of east bound vehicular traffic immediately adjoining the said curb and gutter;
- (c) within fifteen years following the Company's occupation of its proposed building, enter into and carry to completion a street widening programme so that there will be the said three lanes of eastbound traffic, a median of minimum width of eleven feet, the southerly limit of which will be forty-six feet north of the new southerly limit of York Street, and which will provide left turn lanes for east and west bound vehicular traffic, and also provide for passages across such median with appropriate holding lanes to serve traffic to and from the Company's premises.

6. The City will, at the Company's request, extend the said sidewalk northerly by an amount not exceeding five additional feet; the manner in which the cost thereof shall be borne shall be first agreed upon by the City and the Company.

7. The City agrees to apply forthwith for special legislation to declare this agreement legal, valid and binding upon the parties hereto and the ratepayers and inhabitants of the City, empowering the parties to carry out the same and to provide that the provisions of *The Municipal Act* shall not apply to the said street closing.

8. If the Company shall fail to exercise its option to purchase the lands in question and to obtain a conveyance thereof, this agreement shall be of no further force and effect.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF  
LONDON:

J. G. STRONACH,  
*Mayor.*

(Seal)

W. S. ROSS,  
*Deputy Clerk.*

LONDON FREE PRESS PRINTING  
COMPANY LIMITED:

A. R. FORD,  
*Vice-President.*

(Seal)

H. R. DAVIDSON,  
*Secretary.*

*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

MR. WHITE

*(Reprinted as amended by the  
Committee on Private Bills)*



**BILL Pr7**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting the City of London**

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**MR. WHITE**

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**TORONTO  
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

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PRINTED A

BILL Pr7

1961-62

## An Act respecting the City of London

**W**HEREAS The Corporation of the City of London, Preamble  
 herein called the Corporation, by its petition has prayed  
 for special legislation in respect of the matters hereinafter  
 set forth; and whereas it is expedient to grant the prayer of  
 the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. The Corporation is authorized and empowered to refund Cancellation  
of taxes  
authorized  
 or cancel and strike off the collector's roll of taxes for the year  
 1960 the sum of \$3,472.58, and all penalties and interest  
 thereon, for land and business tax levied in respect of premises  
 of London Little Theatre Limited, known as the Grand  
 Theatre, which were occupied for theatre purposes during such  
 year.

2.—(1) The agreement made between the Corporation and Agreement  
validated  
 London Free Press Printing Company Limited, dated the  
 20th day of October, 1961, set forth as the Schedule hereto, is  
 declared to be legal, valid and binding upon the Corporation  
 and the ratepayers and inhabitants thereof, and the parties  
 thereto are authorized and empowered to carry out the terms  
 thereof.

(2) It is not necessary, in exercising the powers referred to Application  
of  
R.S.O. 1960,  
c. 249  
 in the agreement, to observe or perform any of the conditions  
 or provisions of *The Municipal Act* applicable to street closing.

3. By-law No. 69 of the Township of London, passed on By-law  
validated  
 the 15th day of December, 1871, purporting to close a road  
 laid out through the southwest quarter of Lot 15, in the  
 Fifth Concession of the Township of London (now in the City  
 of London), and vesting one-half thereof in each of the ad-  
 joining landowners, is declared to be valid and binding and  
 to have vested the fee in the road in the adjoining land  
 owners as therein provided.

Charges for  
repair of  
drains  
R.S.O. 1960,  
c. 252

4.—(1) Whenever it becomes necessary from time to time to maintain or repair a drain constructed under the provisions of *The Municipal Drainage Act*, the Corporation is authorized and empowered to assume and pay out of the general funds of the municipality any charge of \$5 or less that would otherwise be assessed against an individual property.

Charge  
in excess  
of \$5

(2) Whenever any such charge exceeds \$5, the Corporation is authorized and empowered to add the charge to the collector's roll in respect of such property, and it shall thereupon be collected in the same manner as municipal real property taxes, with similar powers of levy, distress and sale in the event of non-payment.

1960, c. 153,  
s. 2, subs. 1,  
cl. f,  
re-enacted

5. Clause *f* of subsection 1 of section 2 of *The City of London Act, 1960* is repealed and the following substituted therefor:

(*f*) that past service pension shall be limited so that the combined past and future service pension purchased with standard joint contributions on a five-year guaranteed basis shall not exceed three-fifths of the average of the annual salary of the employee for the three years immediately preceding the normal retirement date.

Lands held  
as security

6. Lands taken and held for the purpose of security for the performance of agreements for the development of land by the Corporation and lands taken for such purpose that are within those portions of the townships of London and Westminster that were annexed to the City of London by order of the Ontario Municipal Board, dated the 3rd day of October, 1960, are vested in the City of London.

Establish-  
ment, etc., of  
highways  
validated

7.—(1) Highways within the City of London that have heretofore been established, widened or diverted by by-law of the Corporation are declared to have been legally established, widened or diverted.

Effect on  
rights  
acquired

(2) Nothing herein prejudices or affects the rights acquired by any person prior to the day upon which this Act comes into force or affects any action or motion in any court now commenced.

Commence-  
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The Act may be cited as *The City of London Act, 1961-62*.

## SCHEDULE

THIS AGREEMENT made (in duplicate) this 20th day of October, in the year of Our Lord one thousand nine hundred and sixty-one

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON  
(hereinafter called the City),

OF THE FIRST PART,

— and —

LONDON FREE PRESS PRINTING COMPANY LIMITED  
(hereinafter called the Company),

OF THE SECOND PART.

WHEREAS by Statutes of Ontario, 53 Victoria, chapter 89, the City was empowered to make, and made, a conveyance to E. Leonard & Sons of the southerly thirty-three feet of York Street, lying between Waterloo and Colborne Streets, in the City of London, subject to the proviso that the same should revert to the City if the same should cease to be used for manufacturing purposes, and subject thereto the lands should be vested in the said firm in fee simple;

AND WHEREAS in pursuance of the said powers and a by-law passed by the City on the 15th day of December, 1890, as No. 555 and the agreement of E. Leonard & Sons that suitable brick buildings for manufacturing purposes should be erected by the said firm, which buildings were so erected, the City conveyed to the said firm, by deed dated the 9th day of March, 1891, the said southerly thirty-three feet of York Street, lying between Colborne and Waterloo Streets;

AND WHEREAS the Company has acquired an option to purchase lands in the City of London, lying north of the Canadian National Railway right of way, west of Colborne Street, east of Waterloo Street and south of York Street, including the southerly thirty-three feet of York Street so conveyed by the City to E. Leonard & Sons by the said deed dated the 9th day of March, 1891, for the purpose of erecting thereon substantial buildings for the production and manufacture of its newspaper;

AND WHEREAS the said lands have been so used for manufacturing purposes and the Company desires that, before exercising the said option to purchase and undertaking the expenditure of large sums of money for the construction of a new building for the purpose of production and manufacture of its newspaper and for the equipment of such building, any limitations on title to the said portion of York Street should be removed;

AND WHEREAS the parties hereto have agreed in the manner hereinafter provided;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of One dollar now paid by each of the parties hereto to the other (the receipt whereof is hereby by each of them acknowledged) the parties hereto mutually COVENANT AND AGREE each with the other as follows:

1. The City will grant, release and quitclaim unto the Company all covenants, conditions, provisos and agreements, including the right of reversion referred to in the said Statute, by-law, agreement and deed, to the effect that the lands referred to therein shall vest in fee simple in possession in the Company, free from any rights of the City or the rate-payers and inhabitants thereof, including rights of forfeiture or reversion.

2. The Company will convey to the City for highway purposes the northerly ten feet of the said southerly thirty-three feet of York Street, without consideration, notwithstanding that the cost to the Company of the said portion so to be conveyed is approximately \$22,000. The City will, when the said ten feet are so conveyed, pass a by-law constituting the same a public highway as an addition to York Street (the southerly limit of the said ten feet after such addition is hereinafter referred to as the "new southerly limit").

3. The City will use its best endeavours to obtain from Canadian National Railway a consent to the closing of the stub end of Waterloo Street lying between the Canadian National Railway right of way and the extension westerly of the new southerly limit of York Street. The City will, upon obtaining such consent, pass a by-law carrying out the said closing, and will convey for a nominal consideration the easterly one-half of the said portion so closed to the Company, and the remainder to the Canadian National Railway.

4. The City will, at the request of the Company, and when traffic conditions make the said desirable, establish traffic lights at the intersection of Waterloo and York Streets to regulate traffic, which traffic lights shall regulate traffic to and from that portion of Waterloo Street proposed to be stepped up and closed as effectively after closing as before.

5. The City will at its own expense,

- (a) subject to the provisions of paragraph 6 of this agreement, within the twelve months following the Company's occupation of its proposed building, construct a curb and gutter at the northerly limit of the said ten feet to be conveyed to the City and a five-foot sidewalk along the new southerly limit of York Street between Colborne Street and Waterloo Street;
- (b) within the said twelve-month period, widen the travelled portion of the said street to give and maintain three lanes of east bound vehicular traffic immediately adjoining the said curb and gutter;
- (c) within fifteen years following the Company's occupation of its proposed building, enter into and carry to completion a street widening programme so that there will be the said three lanes of eastbound traffic, a median of minimum width of eleven feet, the southerly limit of which will be forty-six feet north of the new southerly limit of York Street, and which will provide left turn lanes for east and west bound vehicular traffic, and also provide for passages across such median with appropriate holding lanes to serve traffic to and from the Company's premises.

6. The City will, at the Company's request, extend the said sidewalk northerly by an amount not exceeding five additional feet; the manner in which the cost thereof shall be borne shall be first agreed upon by the City and the Company.

7. The City agrees to apply forthwith for special legislation to declare this agreement legal, valid and binding upon the parties hereto and the ratepayers and inhabitants of the City, empowering the parties to carry out the same and to provide that the provisions of *The Municipal Act* shall not apply to the said street closing.

8. If the Company shall fail to exercise its option to purchase the lands in question and to obtain a conveyance thereof, this agreement shall be of no further force and effect.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF  
LONDON:

J. G. STRONACH,  
*Mayor.*

(Seal)

W. S. ROSS,  
*Deputy Clerk.*

LONDON FREE PRESS PRINTING  
COMPANY LIMITED:

A. R. FORD,  
*Vice-President.*

(Seal)

H. R. DAVIDSON,  
*Secretary.*

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*1st Reading*

December 7th, 1961

*2nd Reading*

April 2nd, 1962

*3rd Reading*

April 17th, 1962

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MR. WHITE

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**BILL Pr8**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting the Village of Markham**

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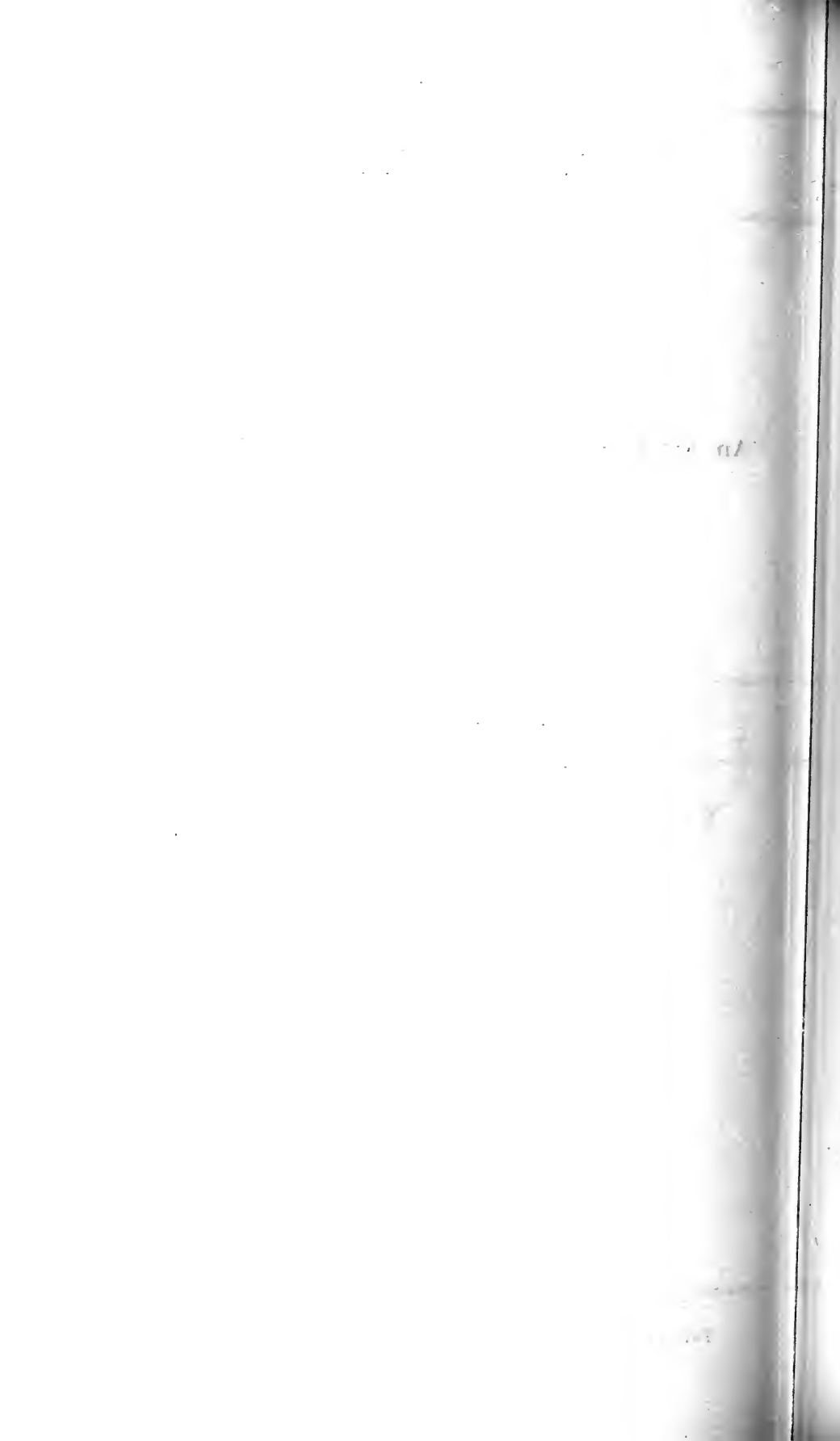
**MR. MACKENZIE**

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**(PRIVATE BILL)**

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**TORONTO  
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BILL Pr8

1961-62

## An Act respecting the Village of Markham

**W**HEREAS The Corporation of the Village of Markham, <sup>Preamble</sup>  
 herein called the Corporation, by its petition has prayed  
 for special legislation in respect of the matters hereinafter  
 set forth; and whereas it is expedient to grant the prayer of  
 the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. The council of the Corporation is hereby authorized to <sup>Debenture</sup>  
 pass By-law No. 1028 of the Corporation, set forth as <sup>by-law</sup>  
 Schedule A hereto, without obtaining the approval of the <sup>authorized</sup>  
 Ontario Municipal Board, to borrow the sum of \$65,000 upon  
 debentures made payable in not more than twenty years for  
 the purpose of constructing a community building and arena,  
 and the by-law when duly passed shall be legal, valid and  
 binding upon the Corporation and the ratepayers thereof.

2.—(1) Subject to subsection 2, the agreement bearing <sup>Agreement</sup>  
 date the 1st day of May, 1961, between Markham and East <sup>confirmed</sup>  
 York Agricultural Society and The Corporation of the Village  
 of Markham, set forth as Schedule B hereto, is hereby ratified  
 and confirmed and the parties thereto are authorized and em-  
 powered to carry out the terms thereof.

(2) Section 10 of the agreement is hereby struck out. <sup>Agreement</sup>  
<sup>amended</sup>

3. This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
 Assent. <sup>ment</sup>

4. This Act may be cited as *The Village of Markham Act*, <sup>Short title</sup>  
 1961-62.

## SCHEDULE A

## THE CORPORATION OF THE VILLAGE OF MARKHAM

## BY-LAW No. 1028

A By-law to provide for the borrowing of \$65,000.00 upon debentures of The Corporation of the Village of Markham for the purpose of erecting a Community Building and Arena.

WHEREAS The Corporation of the Village of Markham deems it necessary and expedient to borrow the sum of Sixty-five thousand dollars (\$65,000.00) upon debentures for the purpose of erecting a Community Building and Arena within the limits of the Village of Markham, upon the credit of The Corporation to issue debentures therefor;

AND WHEREAS it is desirable to make the principal of the said debt repayable by annual instalments during the period of twenty years next after the date of issue of such debentures, of such amounts respectively that, with the interest in respect of the debts, the aggregate amount payable for the principal and interest in each year shall be, as nearly as possible, the same; subject to the statutory provision that each instalment of principal may be for an even One hundred dollars (\$100.00), Five hundred dollars (\$500.00), or One thousand dollars (\$1,000.00), or multiple thereof, and, that notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amounts sufficiently to admit thereof.

NOW THEREFORE The Council of The Corporation of the Village of Markham enacts as follows:

1. That for the purposes aforesaid it shall be lawful for this Corporation to borrow upon the credit of The Corporation a sum not exceeding Sixty-five thousand dollars (\$65,000.00) and to issue debentures of the said Municipality to the amount of Sixty-five thousand dollars (\$65,000.00) in sums of not less than One hundred dollars (\$100.00) each payable in the manner and at the times hereinafter set forth.

2. That the said debentures shall bear interest at the rate of six per centum (6%) per annum payable yearly and shall have coupons attached thereto for the payment of such interest.

3. That all the said debentures shall bear the same date, shall be issued at one time during the year 1961 after the date on which this By-law is passed, may bear any date within such period, and shall be made payable in annual instalments during the period of twenty years next after the date of issue thereof and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed, which Schedule is declared to be and form part of this By-law.

4. That the debentures shall be payable as to both principal and interest in lawful money of Canada, and may be payable at such place or places in Canada as shall be designated thereon.

5. That the said debentures shall be sealed with the Seal of The Corporation and signed by the Head of the Council or by some other person authorized by By-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

6. That commencing in the year 1962 and thereafter in each year in which an instalment of principal of the said debt and interest becomes due, The Corporation shall levy and raise the specific sum shown for the

respective year in the fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor over and above all other rates upon all the rateable property in the Municipality.

7. That the said debentures may contain a clause providing for the registration thereof pursuant to Section 323 of *The Municipal Act*.

8. That pending the sale of the debentures the Head of the Council and the Treasurer may raise for the purposes aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the sum authorized to be borrowed and may hypothecate such debentures for such loan.

9. That this By-law shall take effect on the day of the final passing thereof subject to the approval of the Department of Municipal Affairs.

READ a First and Second time this 18th day of May, 1961 and amended in committee on the 6th day of November, 1961.

J. V. FRY,  
*Reeve.*

A. P. GRAHAM,  
*Clerk.*

READ a Third time and finally passed this      day of      ,  
1961.

*Reeve.*

*Clerk.*

*Schedule "A"*

## SCHEDULE OF PAYMENTS

\$65,000.00 for 20 years at 6% per annum

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
1	\$ 2,000.00	\$ 3,900.00	\$ 5,900.00
2	2,000.00	3,780.00	5,780.00
3	2,000.00	3,660.00	5,660.00
4	2,000.00	3,540.00	5,540.00
5	2,000.00	3,420.00	5,420.00
6	2,500.00	3,300.00	5,800.00
7	2,500.00	3,150.00	5,650.00
8	2,500.00	3,000.00	5,500.00
9	3,000.00	2,850.00	5,850.00
10	3,000.00	2,670.00	5,670.00
11	3,000.00	2,490.00	5,490.00
12	3,500.00	2,310.00	5,810.00
13	3,500.00	2,100.00	5,600.00
14	4,000.00	1,890.00	5,890.00
15	4,000.00	1,650.00	5,650.00
16	4,000.00	1,410.00	5,410.00
17	4,500.00	1,170.00	5,670.00
18	5,000.00	900.00	5,900.00
19	5,000.00	600.00	5,600.00
20	5,000.00	300.00	5,300.00
	<u>\$65,000.00</u>	<u>\$48,090.00</u>	<u>\$113,090.00</u>

## SCHEDULE B

THIS AGREEMENT made in duplicate the First day of May, 1961.

BETWEEN:

MARKHAM AND EAST YORK AGRICULTURAL SOCIETY,  
hereinafter called the Party,

OF THE FIRST PART,

—and—

THE CORPORATION OF THE VILLAGE OF MARKHAM,  
hereinafter called the Party,

OF THE SECOND PART.

WHEREAS the Party of the First Part is the Owner of the lands more fully described in Schedule "A" attached hereto and forming part of this Agreement.

NOW THEREFORE In Consideration of the Covenants and Provisoes hereinafter set forth, the Parties hereto hereby mutually covenant and agree as follows:

1. The Party of the First Part hereby covenants and agrees to allow the Party of the Second Part to have the exclusive use and occupation of the lands more particularly described in Schedule "A" attached hereto, subject to the reservations hereinafter contained, for a period of seventy-five years from and including the first day of May, 1961 to and including the 30th day of April, 2036.

2. The Parties of the First and Second Parts covenant and agree to erect on the said lands a building according to the plans and specifications and more particularly referred to as Schedule "B" to this agreement. The Party of the Second Part shall be entitled to operate and use the building for the purpose of an ice skating arena together with such other purposes as the Party of the Second Part may from time to time determine, including public and private functions and gatherings, provided that such operation shall not be contrary to law.

3. The Party of the Second Part covenants and agrees to totally maintain the said property including all repairs necessary to maintain the said building in a good and workmanlike condition during the term of this agreement and shall not under any circumstances request or require the Party of the First Part to supply any part of its maintenance grants awarded to the Party of the First Part for repairs. All repairs and maintenance to the building shall be completed by the Party of the Second Part or its agents in as expedient a manner as possible so as not to interfere with the occupation and operation of the said building by the Party of the First Part at the times in each year hereinafter specified.

4. The Party of the Second Part covenants and agrees to pay all or any Municipal taxes levied against the said building and lands described in Schedule "A" attached hereto, including local improvement taxes, but not including any taxes or local improvement taxes assessed against the balance of the lands owned by the Party of the First Part.

5. The Party of the Second Part covenants and agrees to insure the respective interests of the Parties of the First and Second Parts in the said building at its own expense while the building is under construction and after the building has been fully completed to the full insurable value of the building when completed, which insurance without limiting the generality of the foregoing shall include loss or damage by fire, wind and water and loss under such insurance policies shall be payable to the

Parties of the First and Second Parts respectively to the extent of their respective interests. The Party of the Second Part further covenants and agrees to insure the premises and all people using the premises with liability insurance to limits satisfactory to the Party of the First Part, and which policy shall insure both the liability of the Parties of the First and Second Parts, the cost of which insurance shall be the sole responsibility of the Party of the Second Part.

6. The Party of the Second Part covenants and agrees to pay to the Party of the First Part a rental amounting to One thousand dollars per year for the period of the first ten years of this agreement which rental shall be payable Two hundred and fifty dollars quarterly commencing on the First day of November, 1961 and thereafter on the First days of February, May, August and November in each year until the First day of August, 1966. The rental for each successive ten year period shall be subject to a review and agreement between the Parties. In the event the Parties hereto are unable to agree as to the amount of the rental for any succeeding ten year term under this agreement, either Party hereto shall have the right to submit the matter to arbitration. Thereupon each Party shall appoint an arbitrator and these shall jointly select a third, and the decision of any two arbitrators shall be final and binding upon the Parties, subject to the proviso that no award of the arbitrators or a majority of them shall grant an increase or decrease in rental of more than ten per cent per year over the annual rental in the immediately preceding ten year period. The procedure on such arbitration shall conform to the laws of the Province of Ontario. In the case of failure of the two arbitrators appointed by the Parties hereto to agree upon a third arbitrator, such third arbitrator shall be appointed by a Judge of the County Court of the County of York. The costs of any such arbitration shall be borne equally between the Parties.

7. The Party of the Second Part covenants and agrees to erect a temporary fence around the parking area included in the lands covered by this agreement and more fully described in Schedule "A" attached hereto, which temporary fence will be removed by the Party of the Second Part prior to the date in each year when possession of the said lands and building is to be granted to the Party of the First Part, and replaced by the Party of the Second Part immediately after the date upon which possession of the said lands and building has been returned to the Party of the Second Part according to the provisions of this agreement as herein-after set forth. The said parking area shall be maintained by the Party of the Second Part in a proper manner at all times.

8. The Party of the First Part covenants and agrees to pay to the credit of a joint account in the names of the Parties of the First and Second Parts, the sum of Twenty thousand dollars (\$20,000.00) toward the cost of the construction of the said building. In addition the Party of the First Part covenants and agrees to apply all capital grants and subsidies received by the Party of the First Part from the Government of the Province of Ontario and the Government of the Dominion of Canada towards the construction of this building, all of which contributions, grants and subsidies will be paid by the Party of the First Part to the joint account aforesaid in due course as received by the Party of the First Part. The Party of the First Part shall not be required to pay any further sum of money other than as aforesaid and in the event that the Party of the First Part is required to pay any further sums for any reason whatsoever it shall be forthwith indemnified by the Party of the Second Part. The Party of the First Part further covenants and agrees to do everything in its power to obtain grants as large as possible from the Governments hereinbefore referred to towards the cost of construction of the said building so as to assist the Party of the Second Part in every way in financing the cost of construction of the said building. Nothing in this agreement shall be construed so as to give either the Party of the First Part and Second Part the power or right to enter into any conditional sales contract or chattel mortgage of any nature whatsoever which will have the effect of encumbering any of the lands set out in Schedule "A" hereto or any part of the building or chattels in the building situate upon the lands aforesaid and the parties hereto agree not to encumber the lands, building or chattels in any manner whatsoever.



9. Any contract for the construction of the said building to be erected on the said lands shall be subject to the approval of the Party of the First Part. Any such contractor shall be fully bonded and shall file with the Parties of the First and Second Parts a completion bond from a bonding company satisfactory to the Parties of the First and Second Parts which bond shall be in favour of both the Parties of the First and Second Parts. The firm of architects to be employed in the preparation of plans and the supervision of construction shall be subject to the approval of the Party of the First Part and the Party of the Second Part.

10. This Agreement shall be expressly conditional upon the approval of the Department of Municipal Affairs, the Ontario Municipal Board and any other Governmental Departments concerned, which approval shall include all financing required by the Party of the Second Part in order to complete the construction of the said building and equipment. In the event the Party of the Second Part is unable to obtain any necessary approvals for this project or for the financing of same, this agreement shall be null and void.

11. The Parties of the First and Second Parts covenant and agree to do all within their power to have the said building completed by the first day of September, 1961 so that the building will be available to the Party of the First Part for its Agricultural Fair in the Fall of 1961. Such completion shall include the completion of a cement floor in the said building and shall also include all outside grading, but the Party of the Second Part shall not be required to have the artificial ice equipment installed by that date.

12. The Party of the First Part shall in each year during the currency of this Agreement be entitled to exclusive possession of the said land and building hereinbefore referred to and which said land is more particularly described in Schedule "A" attached hereto for a ten day period between the 15th day of September and the 15th day of October in each year for the purpose of using and occupying the said land and building for the Agricultural Fair operated by the Party of the First Part. The said ten day period shall be determined by the Board of Directors of the Party of the First Part prior to the First day of March in each year and notice of the period selected shall be forwarded by the Party of the First Part to the Party of the Second Part prior to the First day of March in each year. In addition the Party of the First Part shall have a right of access to the said land and building for purposes of inspection during the period from September 1st to October 15th in each year.

13. The Party of the First Part shall be entitled to access at all times to a room in the said building to be identified as the Fair Board Room subject to the right of the Party of the Second Part to the use and occupation of the said room as and when the same is not required by the Party of the First Part.

14. The Party of the Second Part covenants and agrees to obtain a survey of the said lands and premises which are the subject of this agreement at its own expense and further agrees to supply a copy of the said survey to the Party of the First Part.

15. The Parties hereby mutually covenant and agree that in the event the said building is totally destroyed and the amount of the proceeds from the insurance policies on the said building are insufficient to meet the cost of the replacement of the said building, the difference between the amount of the proceeds of the insurance and the total replacement cost of the building shall be borne and paid by the Parties hereto in direct proportion to the amount of the respective contributions towards the original cost of the said building. In determining the proportion of the contributions of the Party of the First Part to the original cost of the building, the amount of grants and subsidies shall be included as well as the amount of the direct contribution of the Party of the First Part. In calculating the amount of the contribution of the Party of the Second Part towards the cost of the original construction of the said building the

amount of all donations received towards the said project by citizens of the Municipality and surrounding area shall be included with the amount of direct contribution of the Party of the Second Part in determining the total contribution of the Party of the Second Part.

16. The Parties hereto mutually covenant and agree that in the event of any breach of covenant by either or both of the Parties to this agreement, such breach of covenant shall not entitle either party to terminate this agreement in any way and the only remedy available to either party to this agreement with respect to a breach of covenant by the other party shall be a remedy in damage.

17. Nothing in this Agreement shall prevent the Party of the Second Part from operating the said land and building as a public arena and community centre and the Party of the Second Part shall be entitled at all times to rent or lease the said land and building or any part thereof without the consent of the Party of the First Part during the time or times in each year when the Party of the Second Part is entitled to possession of the said building.

This Agreement shall enure to and be binding upon the Parties hereto their successors and assigns.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate Seals duly attested by their proper signing officers in that behalf.

MARKHAM AND EAST YORK AGRICULTURAL SOCIETY:

H. M. WARRINER,  
*President.*

FRED SPRING,  
*Secretary.*

THE CORPORATION OF THE VILLAGE OF MARKHAM:

J. V. FRY,  
*Reeve.*

A. P. GRAHAM,  
*Clerk.*

*Schedule "A"*

To Agreement dated May 1st, 1961 between Markham and East York Agricultural Society and The Corporation of the Village of Markham.

---

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Village of Markham, in the County of York, and being composed of part of Lot 10 in the Eighth Concession of the said Village of Markham, more particularly described as follows:

Commencing at a point in the southerly limit of Provincial Highway No. 7 as widened distant 140 feet measured easterly therealong from the westerly limit of said Lot 10; Thence easterly along the southerly limit of Provincial Highway No. 7 as widened a distance of 395 feet; Thence southerly parallel with the westerly limit of said Lot 10, a distance of 300 feet to a point; Thence westerly parallel to the northerly limit of said Lot a distance of 395 feet to a point; Thence northerly parallel to the westerly limit of said lot a distance of 300 feet more or less to the point of commencement.

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*Schedule "B"*

[Plans and Specifications filed in the Office of the Clerk of the Legislative Assembly.]

---

*1st Reading*

November 30th, 1961

*2nd Reading*

*3rd Reading*

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MR. MACKENZIE

---

(*Private Bill*)

# **BILL Pr8**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the Village of Markham**

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**MR. MACKENZIE**

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**TORONTO**  
**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

257 107. n/.

107. n/.

BILL Pr8

1961-62

## An Act respecting the Village of Markham

**W**HEREAS The Corporation of the Village of Markham, <sup>Preamble</sup>  
 herein called the Corporation, by its petition has prayed  
 for special legislation in respect of the matters hereinafter  
 set forth; and whereas it is expedient to grant the prayer of  
 the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. The council of the Corporation is hereby authorized to <sup>Debenture  
by-law  
authorized</sup>  
 pass By-law No. 1028 of the Corporation, set forth as  
 Schedule A hereto, without obtaining the approval of the  
 Ontario Municipal Board, to borrow the sum of \$65,000 upon  
 debentures made payable in not more than twenty years for  
 the purpose of constructing a community building and arena,  
 and the by-law when duly passed shall be legal, valid and  
 binding upon the Corporation and the ratepayers thereof.

2.—(1) Subject to subsection 2, the agreement bearing <sup>Agreement  
confirmed</sup>  
 date the 1st day of May, 1961, between Markham and East  
 York Agricultural Society and The Corporation of the Village  
 of Markham, set forth as Schedule B hereto, is hereby ratified  
 and confirmed and the parties thereto are authorized and em-  
 powered to carry out the terms thereof.

(2) Section 10 of the agreement is hereby struck out. <sup>Agreement  
amended</sup>

3. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup>  
 Assent.

4. This Act may be cited as *The Village of Markham Act*, <sup>Short title</sup>  
 1961-62.

## SCHEDULE A

### THE CORPORATION OF THE VILLAGE OF MARKHAM

#### BY-LAW No. 1028

A By-law to provide for the borrowing of \$65,000.00 upon debentures of The Corporation of the Village of Markham for the purpose of erecting a Community Building and Arena.

WHEREAS The Corporation of the Village of Markham deems it necessary and expedient to borrow the sum of Sixty-five thousand dollars (\$65,000.00) upon debentures for the purpose of erecting a Community Building and Arena within the limits of the Village of Markham, upon the credit of The Corporation to issue debentures therefor;

AND WHEREAS it is desirable to make the principal of the said debt repayable by annual instalments during the period of twenty years next after the date of issue of such debentures, of such amounts respectively that, with the interest in respect of the debts, the aggregate amount payable for the principal and interest in each year shall be, as nearly as possible, the same; subject to the statutory provision that each instalment of principal may be for an even One hundred dollars (\$100.00), Five hundred dollars (\$500.00), or One thousand dollars (\$1,000.00), or multiple thereof, and, that notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amounts sufficiently to admit thereof.

NOW THEREFORE The Council of The Corporation of the Village of Markham enacts as follows:

1. That for the purposes aforesaid it shall be lawful for this Corporation to borrow upon the credit of The Corporation a sum not exceeding Sixty-five thousand dollars (\$65,000.00) and to issue debentures of the said Municipality to the amount of Sixty-five thousand dollars (\$65,000.00) in sums of not less than One hundred dollars (\$100.00) each payable in the manner and at the times hereinafter set forth.

2. That the said debentures shall bear interest at the rate of six per centum (6%) per annum payable yearly and shall have coupons attached thereto for the payment of such interest.

3. That all the said debentures shall bear the same date, shall be issued at one time during the year 1961 after the date on which this By-law is passed, may bear any date within such period, and shall be made payable in annual instalments during the period of twenty years next after the date of issue thereof and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed, which Schedule is declared to be and form part of this By-law.

4. That the debentures shall be payable as to both principal and interest in lawful money of Canada, and may be payable at such place or places in Canada as shall be designated thereon.

5. That the said debentures shall be sealed with the Seal of The Corporation and signed by the Head of the Council or by some other person authorized by By-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

6. That commencing in the year 1962 and thereafter in each year in which an instalment of principal of the said debt and interest becomes due, The Corporation shall levy and raise the specific sum shown for the



respective year in the fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor over and above all other rates upon all the rateable property in the Municipality.

7. That the said debentures may contain a clause providing for the registration thereof pursuant to Section 323 of *The Municipal Act*.

8. That pending the sale of the debentures the Head of the Council and the Treasurer may raise for the purposes aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the sum authorized to be borrowed and may hypothecate such debentures for such loan.

9. That this By-law shall take effect on the day of the final passing thereof subject to the approval of the Department of Municipal Affairs.

READ a First and Second time this 18th day of May, 1961 and amended in committee on the 6th day of November, 1961.

J. V. FRY,  
*Reeve.*

A. P. GRAHAM,  
*Clerk.*

READ a Third time and finally passed this      day of      ,  
1961.

*Reeve.*

*Clerk.*

*Schedule "A"*

## SCHEDULE OF PAYMENTS

\$65,000.00 for 20 years at 6% per annum

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
1	\$ 2,000.00	\$ 3,900.00	\$ 5,900.00
2	2,000.00	3,780.00	5,780.00
3	2,000.00	3,660.00	5,660.00
4	2,000.00	3,540.00	5,540.00
5	2,000.00	3,420.00	5,420.00
6	2,500.00	3,300.00	5,800.00
7	2,500.00	3,150.00	5,650.00
8	2,500.00	3,000.00	5,500.00
9	3,000.00	2,850.00	5,850.00
10	3,000.00	2,670.00	5,670.00
11	3,000.00	2,490.00	5,490.00
12	3,500.00	2,310.00	5,810.00
13	3,500.00	2,100.00	5,600.00
14	4,000.00	1,890.00	5,890.00
15	4,000.00	1,650.00	5,650.00
16	4,000.00	1,410.00	5,410.00
17	4,500.00	1,170.00	5,670.00
18	5,000.00	900.00	5,900.00
19	5,000.00	600.00	5,600.00
20	5,000.00	300.00	5,300.00
	<u>\$65,000.00</u>	<u>\$48,090.00</u>	<u>\$113,090.00</u>

## SCHEDULE B

THIS AGREEMENT made in duplicate the First day of May, 1961.

BETWEEN:

MARKHAM AND EAST YORK AGRICULTURAL SOCIETY,  
hereinafter called the Party,

OF THE FIRST PART,

—and—

THE CORPORATION OF THE VILLAGE OF MARKHAM,  
hereinafter called the Party,

OF THE SECOND PART.

WHEREAS the Party of the First Part is the Owner of the lands more fully described in Schedule "A" attached hereto and forming part of this Agreement.

NOW THEREFORE In Consideration of the Covenants and Provisoes hereinafter set forth, the Parties hereto hereby mutually covenant and agree as follows:

1. The Party of the First Part hereby covenants and agrees to allow the Party of the Second Part to have the exclusive use and occupation of the lands more particularly described in Schedule "A" attached hereto, subject to the reservations hereinafter contained, for a period of seventy-five years from and including the first day of May, 1961 to and including the 30th day of April, 2036.

2. The Parties of the First and Second Parts covenant and agree to erect on the said lands a building according to the plans and specifications and more particularly referred to as Schedule "B" to this agreement. The Party of the Second Part shall be entitled to operate and use the building for the purpose of an ice skating arena together with such other purposes as the Party of the Second Part may from time to time determine, including public and private functions and gatherings, provided that such operation shall not be contrary to law.

3. The Party of the Second Part covenants and agrees to totally maintain the said property including all repairs necessary to maintain the said building in a good and workmanlike condition during the term of this agreement and shall not under any circumstances request or require the Party of the First Part to supply any part of its maintenance grants awarded to the Party of the First Part for repairs. All repairs and maintenance to the building shall be completed by the Party of the Second Part or its agents in as expedient a manner as possible so as not to interfere with the occupation and operation of the said building by the Party of the First Part at the times in each year hereinafter specified.

4. The Party of the Second Part covenants and agrees to pay all or any Municipal taxes levied against the said building and lands described in Schedule "A" attached hereto, including local improvement taxes, but not including any taxes or local improvement taxes assessed against the balance of the lands owned by the Party of the First Part.

5. The Party of the Second Part covenants and agrees to insure the respective interests of the Parties of the First and Second Parts in the said building at its own expense while the building is under construction and after the building has been fully completed to the full insurable value of the building when completed, which insurance without limiting the generality of the foregoing shall include loss or damage by fire, wind and water and loss under such insurance policies shall be payable to the

Parties of the First and Second Parts respectively to the extent of their respective interests. The Party of the Second Part further covenants and agrees to insure the premises and all people using the premises with liability insurance to limits satisfactory to the Party of the First Part, and which policy shall insure both the liability of the Parties of the First and Second Parts, the cost of which insurance shall be the sole responsibility of the Party of the Second Part.

6. The Party of the Second Part covenants and agrees to pay to the Party of the First Part a rental amounting to One thousand dollars per year for the period of the first ten years of this agreement which rental shall be payable Two hundred and fifty dollars quarterly commencing on the First day of November, 1961 and thereafter on the First days of February, May, August and November in each year until the First day of August, 1966. The rental for each successive ten year period shall be subject to a review and agreement between the Parties. In the event the Parties hereto are unable to agree as to the amount of the rental for any succeeding ten year term under this agreement, either Party hereto shall have the right to submit the matter to arbitration. Thereupon each Party shall appoint an arbitrator and these shall jointly select a third, and the decision of any two arbitrators shall be final and binding upon the Parties, subject to the proviso that no award of the arbitrators or a majority of them shall grant an increase or decrease in rental of more than ten per cent per year over the annual rental in the immediately preceding ten year period. The procedure on such arbitration shall conform to the laws of the Province of Ontario. In the case of failure of the two arbitrators appointed by the Parties hereto to agree upon a third arbitrator, such third arbitrator shall be appointed by a Judge of the County Court of the County of York. The costs of any such arbitration shall be borne equally between the Parties.

7. The Party of the Second Part covenants and agrees to erect a temporary fence around the parking area included in the lands covered by this agreement and more fully described in Schedule "A" attached hereto, which temporary fence will be removed by the Party of the Second Part prior to the date in each year when possession of the said lands and building is to be granted to the Party of the First Part, and replaced by the Party of the Second Part immediately after the date upon which possession of the said lands and building has been returned to the Party of the Second Part according to the provisions of this agreement as herein-after set forth. The said parking area shall be maintained by the Party of the Second Part in a proper manner at all times.

8. The Party of the First Part covenants and agrees to pay to the credit of a joint account in the names of the Parties of the First and Second Parts, the sum of Twenty thousand dollars (\$20,000.00) toward the cost of the construction of the said building. In addition the Party of the First Part covenants and agrees to apply all capital grants and subsidies received by the Party of the First Part from the Government of the Province of Ontario and the Government of the Dominion of Canada towards the construction of this building, all of which contributions, grants and subsidies will be paid by the Party of the First Part to the joint account aforesaid in due course as received by the Party of the First Part. The Party of the First Part shall not be required to pay any further sum of money other than as aforesaid and in the event that the Party of the First Part is required to pay any further sums for any reason whatsoever it shall be forthwith indemnified by the Party of the Second Part. The Party of the First Part further covenants and agrees to do everything in its power to obtain grants as large as possible from the Governments hereinbefore referred to towards the cost of construction of the said building so as to assist the Party of the Second Part in every way in financing the cost of construction of the said building. Nothing in this agreement shall be construed so as to give either the Party of the First Part and Second Part the power or right to enter into any conditional sales contract or chattel mortgage of any nature whatsoever which will have the effect of encumbering any of the lands set out in Schedule "A" hereto or any part of the building or chattels in the building situate upon the lands aforesaid and the parties hereto agree not to encumber the lands, building or chattels in any manner whatsoever.

9. Any contract for the construction of the said building to be erected on the said lands shall be subject to the approval of the Party of the First Part. Any such contractor shall be fully bonded and shall file with the Parties of the First and Second Parts a completion bond from a bonding company satisfactory to the Parties of the First and Second Parts which bond shall be in favour of both the Parties of the First and Second Parts. The firm of architects to be employed in the preparation of plans and the supervision of construction shall be subject to the approval of the Party of the First Part and the Party of the Second Part.

10. This Agreement shall be expressly conditional upon the approval of the Department of Municipal Affairs, the Ontario Municipal Board and any other Governmental Departments concerned, which approval shall include all financing required by the Party of the Second Part in order to complete the construction of the said building and equipment. In the event the Party of the Second Part is unable to obtain any necessary approvals for this project or for the financing of same, this agreement shall be null and void.

11. The Parties of the First and Second Parts covenant and agree to do all within their power to have the said building completed by the first day of September, 1961 so that the building will be available to the Party of the First Part for its Agricultural Fair in the Fall of 1961. Such completion shall include the completion of a cement floor in the said building and shall also include all outside grading, but the Party of the Second Part shall not be required to have the artificial ice equipment installed by that date.

12. The Party of the First Part shall in each year during the currency of this Agreement be entitled to exclusive possession of the said land and building hereinbefore referred to and which said land is more particularly described in Schedule "A" attached hereto for a ten day period between the 15th day of September and the 15th day of October in each year for the purpose of using and occupying the said land and building for the Agricultural Fair operated by the Party of the First Part. The said ten day period shall be determined by the Board of Directors of the Party of the First Part prior to the First day of March in each year and notice of the period selected shall be forwarded by the Party of the First Part to the Party of the Second Part prior to the First day of March in each year. In addition the Party of the First Part shall have a right of access to the said land and building for purposes of inspection during the period from September 1st to October 15th in each year.

13. The Party of the First Part shall be entitled to access at all times to a room in the said building to be identified as the Fair Board Room subject to the right of the Party of the Second Part to the use and occupation of the said room as and when the same is not required by the Party of the First Part.

14. The Party of the Second Part covenants and agrees to obtain a survey of the said lands and premises which are the subject of this agreement at its own expense and further agrees to supply a copy of the said survey to the Party of the First Part.

15. The Parties hereby mutually covenant and agree that in the event the said building is totally destroyed and the amount of the proceeds from the insurance policies on the said building are insufficient to meet the cost of the replacement of the said building, the difference between the amount of the proceeds of the insurance and the total replacement cost of the building shall be borne and paid by the Parties hereto in direct proportion to the amount of the respective contributions towards the original cost of the said building. In determining the proportion of the contributions of the Party of the First Part to the original cost of the building, the amount of grants and subsidies shall be included as well as the amount of the direct contribution of the Party of the First Part. In calculating the amount of the contribution of the Party of the Second Part towards the cost of the original construction of the said building the

amount of all donations received towards the said project by citizens of the Municipality and surrounding area shall be included with the amount of direct contribution of the Party of the Second Part in determining the total contribution of the Party of the Second Part.

16. The Parties hereto mutually covenant and agree that in the event of any breach of covenant by either or both of the Parties to this agreement, such breach of covenant shall not entitle either party to terminate this agreement in any way and the only remedy available to either party to this agreement with respect to a breach of covenant by the other party shall be a remedy in damage.

17. Nothing in this Agreement shall prevent the Party of the Second Part from operating the said land and building as a public arena and community centre and the Party of the Second Part shall be entitled at all times to rent or lease the said land and building or any part thereof without the consent of the Party of the First Part during the time or times in each year when the Party of the Second Part is entitled to possession of the said building.

This Agreement shall enure to and be binding upon the Parties hereto, their successors and assigns.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate Seals duly attested by their proper signing officers in that behalf.

MARKHAM AND EAST YORK AGRICULTURAL SOCIETY:

H. M. WARRINER,  
*President.*

FRED SPRING,  
*Secretary.*

THE CORPORATION OF THE VILLAGE OF MARKHAM:

J. V. FRY,  
*Reeve.*

A. P. GRAHAM,  
*Clerk.*

*Schedule "A"*

To Agreement dated May 1st, 1961 between Markham and East York Agricultural Society and The Corporation of the Village of Markham.

---

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Village of Markham, in the County of York, and being composed of part of Lot 10 in the Eighth Concession of the said Village of Markham, more particularly described as follows:

Commencing at a point in the southerly limit of Provincial Highway No. 7 as widened distant 140 feet measured easterly therealong from the westerly limit of said Lot 10; Thence easterly along the southerly limit of Provincial Highway No. 7 as widened a distance of 395 feet; Thence southerly parallel with the westerly limit of said Lot 10, a distance of 300 feet to a point; Thence westerly parallel to the northerly limit of said Lot a distance of 395 feet to a point; Thence northerly parallel to the westerly limit of said lot a distance of 300 feet more or less to the point of commencement.

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*Schedule "B"*

[Plans and Specifications filed in the Office of the Clerk of the Legislative Assembly.]

211710-1000000  
Village of Markham

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*1st Reading*

November 30th, 1961

*2nd Reading*

February 23rd, 1962

*3rd Reading*

March 12th, 1962

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MR. MACKENZIE

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# **BILL Pr9**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the County of Halton**

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**MR. HALL**

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**(PRIVATE BILL)**



BILL Pr9

1961-62

## An Act respecting the County of Halton

**W**HEREAS The Corporation of the County of Halton Preamble  
by its petition has prayed for special legislation in  
respect of the matter hereinafter set forth; and whereas it  
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The Corporation of the County of Halton is authorized Property of persons in homes for aged administered by County  
and empowered to receive from persons or for the credit of  
persons admitted or to be admitted to homes for the aged,  
and other homes for the care of the aged, ill and infirm,  
property, both real and personal, and to hold and administer  
the same as effectually and to the fullest extent to which such  
persons might themselves do and for such purposes as may  
be agreed upon by the Corporation and by or on behalf of  
such persons.

2. This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

3. This Act may be cited as *The County of Halton Act*, Short title  
1961-62.

the County of Halton

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. HALL

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*(Private Bill)*

# **BILL Pr10**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting Metropolitan United Church of Toronto**

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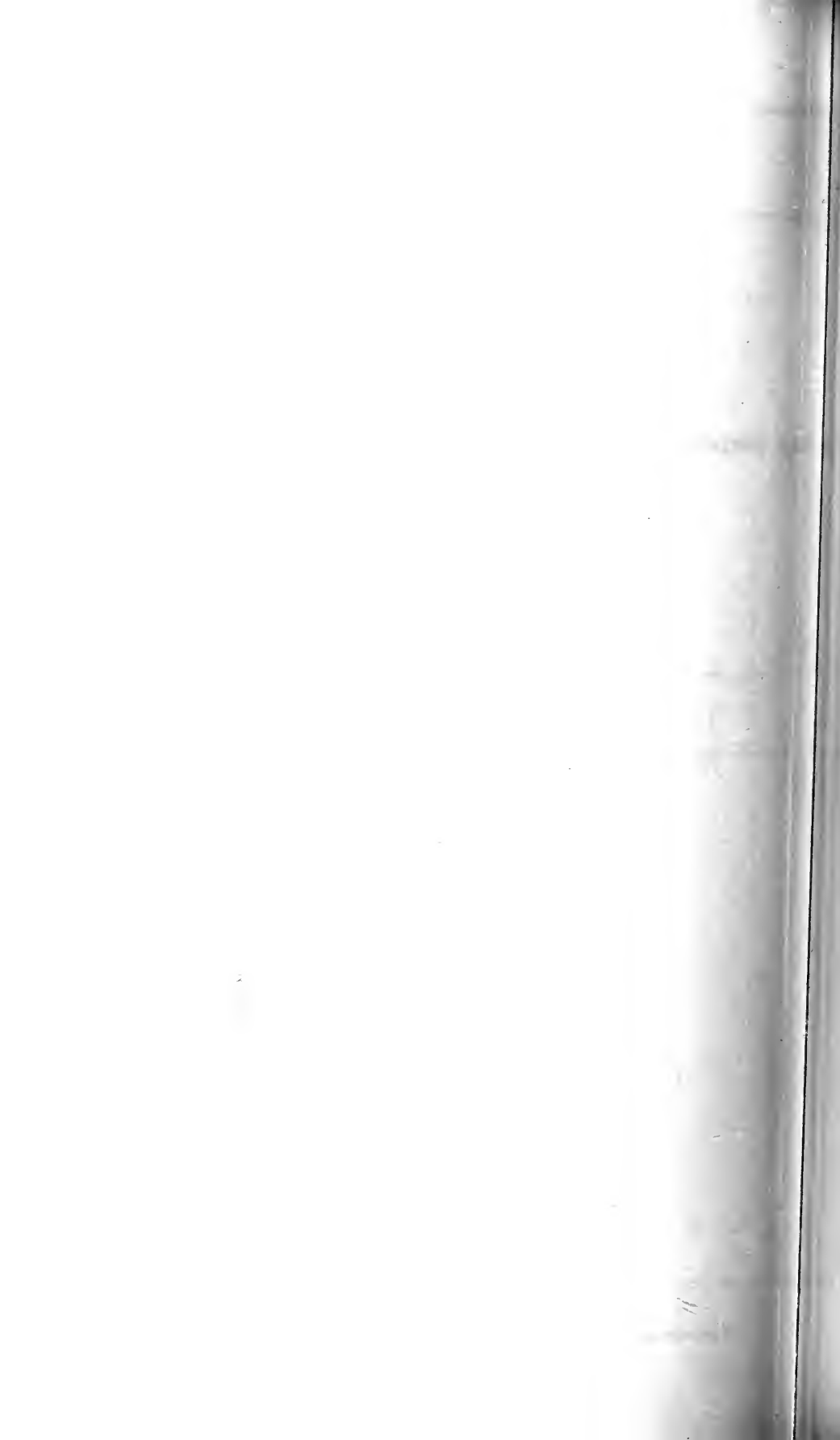
**MR. LAWRENCE**

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**(PRIVATE BILL)**

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**TORONTO  
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL Pr10

1961-62

## An Act respecting Metropolitan United Church of Toronto

**W**HEREAS the Official Board of the Metropolitan Preamble  
United Church by its petition has represented that Lillian Frances Massey Treble, late of the City of Toronto in the Province of Ontario, widow, died on or about the 3rd day of November, 1915, leaving a will, dated the 6th day of September, 1915, and a codicil thereto, dated the 9th day of October, 1915; that probate of such will and codicil thereto was duly granted on the 13th day of January, 1916, by The Surrogate Court of the County of York to Chester Daniel Massey, manufacturer, Margaret Phelps Massey, married woman, and The National Trust Company Limited, named in the will; that by clause 27 of such will the testatrix directed that the sum of \$50,000 be held by The National Trust Company Limited, as trustee, and invested as therein set forth, the net income therefrom to be paid "as a salary to some organist of high standing, talent and excellence who shall be a Fellow of the Royal College of Organists of London in the Kingdom of England and shall be also a graduate in music of the University of Oxford or of the University of Cambridge or of London University or if no such graduate can be obtained then of the University of Dublin or of the University of Durham for performing the ordinary duties of organist of said Metropolitan Methodist Church and of choir-master thereof or in case there shall be another choir-master than said organist, then for selecting all music to be rendered by the choir of said church and for twenty free public organ recitals a year at such times as shall be appointed by said church"; that at the time of death of the testatrix it was generally recognized among the music profession in Canada that there were no schools of music in Canada of the standing of the British universities above referred to and that a Fellowship in the Royal College of Organists was the outstanding recognition of talent as an organist; and whereas the petitioner has prayed for special legislation to widen the terms of such trust to permit the choice of a graduate in music of a Canadian institution entitled to grant degrees in music

and who holds a Fellowship in the Royal Canadian College of Organists; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Appointment  
of organist**

**1.** The Metropolitan United Church of Toronto, acting by resolution of its Official Board, is hereby authorized and empowered to appoint as its organist and choirmaster any person who is a graduate in music of the University of Oxford, the University of Cambridge, London University, the University of Dublin, the University of Durham, or of any university or school of music in Canada entitled to grant degrees in music, and who is also a Fellow of the Royal College of Organists or a Fellow of the Royal Canadian College of Organists.

**Commence-  
ment**

**2.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**3.** This Act may be cited as *The Metropolitan United Church of Toronto Act, 1961-62*.









Metropolitan United Church of Toronto

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. LAWRENCE

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(*Private Bill*)

# **BILL Pr10**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting Metropolitan United Church of Toronto**

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**MR. LAWRENCE**

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**TORONTO**  
**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

For recording

11  
LIMITED AND

BILL Pr10

1961-62

## An Act respecting Metropolitan United Church of Toronto

**W**HEREAS the Official Board of the Metropolitan Preamble  
United Church by its petition has represented that Lillian Frances Massey Treble, late of the City of Toronto in the Province of Ontario, widow, died on or about the 3rd day of November, 1915, leaving a will, dated the 6th day of September, 1915, and a codicil thereto, dated the 9th day of October, 1915; that probate of such will and codicil thereto was duly granted on the 13th day of January, 1916, by The Surrogate Court of the County of York to Chester Daniel Massey, manufacturer, Margaret Phelps Massey, married woman, and The National Trust Company Limited, named in the will; that by clause 27 of such will the testatrix directed that the sum of \$50,000 be held by The National Trust Company Limited, as trustee, and invested as therein set forth, the net income therefrom to be paid "as a salary to some organist of high standing, talent and excellence who shall be a Fellow of the Royal College of Organists of London in the Kingdom of England and shall be also a graduate in music of the University of Oxford or of the University of Cambridge or of London University or if no such graduate can be obtained then of the University of Dublin or of the University of Durham for performing the ordinary duties of organist of said Metropolitan Methodist Church and of choir-master thereof or in case there shall be another choir-master than said organist, then for selecting all music to be rendered by the choir of said church and for twenty free public organ recitals a year at such times as shall be appointed by said church"; that at the time of death of the testatrix it was generally recognized among the music profession in Canada that there were no schools of music in Canada of the standing of the British universities above referred to and that a Fellowship in the Royal College of Organists was the outstanding recognition of talent as an organist; and whereas the petitioner has prayed for special legislation to widen the terms of such trust to permit the choice of a graduate in music of a Canadian institution entitled to grant degrees in music

and who holds a Fellowship in the Royal Canadian College of Organists; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Appointment  
of organist**

**1.** The Metropolitan United Church of Toronto, acting by resolution of its Official Board, is hereby authorized and empowered to appoint as its organist and choirmaster any person who is a graduate in music of the University of Oxford, the University of Cambridge, London University, the University of Dublin, the University of Durham, or of any university or school of music in Canada entitled to grant degrees in music, and who is also a Fellow of the Royal College of Organists or a Fellow of the Royal Canadian College of Organists.

**Commence-  
ment**

**2.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**3.** This Act may be cited as *The Metropolitan United Church of Toronto Act, 1961-62*.







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2000-55 121  
1000-55 1001

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*1st Reading*

December 7th, 1961

*2nd Reading*

March 12th, 1962

*3rd Reading*

March 30th, 1962

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MR. LAWRENCE

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**BILL Pr11**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting the City of St. Catharines**

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**MR. MORNINGSTAR**

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**(PRIVATE BILL)**



BILL Pr11

1961-62

## An Act respecting the City of St. Catharines

**W**HEREAS The Corporation of the City of St. Catharines Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it  
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

## PART I

## 1. In this Part,

Interpre-  
tation

- (a) "Commission" means The St. Catharines Transit Commission;
- (b) "Corporation" means The Corporation of the City of St. Catharines;
- (c) "Council" means the council of the Corporation;
- (d) "System" means the public bus transportation system established by the Corporation under the provisions of paragraph 88a of subsection 1 of section 379 of *The Municipal Act*, and known as R.S.O. 1960,  
c. 249 The St. Catharines Transit System.

**2.—(1)** A Commission is hereby established to be known Commission  
established  
as The St. Catharines Transit Commission.

(2) The Commission is a body corporate.

Body  
corporate

(3) The Commission shall consist of five members, to be Composition  
known as Commissioners, appointed from time to time by  
by-law of Council, two of whom may be members of Council.

(4) Commissioners who are not members of Council shall Term of  
office  
hold office for a term of three years and Commissioners who  
are members of Council shall hold office for a term of one year.

## First Commission

(5) The first Commission shall consist of three Commissioners who are not members of Council, one appointed to hold office to December 31, 1962, one appointed to hold office to December 31, 1963, and one appointed to hold office to December 31, 1964, and two Commissioners who are members of Council appointed to hold office to December 31, 1962.

## Appointments after 1962

(6) After December 31, 1962, none of the Commissioners appointed need to be a member of Council and, where none of the members appointed is a member of Council, not more than two Commissioners shall hold office for the same term.

## Vacancy

(7) If a vacancy occurs on the Commission from any cause, the Council, by by-law, shall appoint a Commissioner to fill such vacancy, who shall hold office for the remainder of the term of his predecessor.

## Eligibility for re-appointment

(8) A Commissioner is eligible for re-appointment upon the expiration of his term of office, provided he is otherwise qualified.

## Term

(9) A Commissioner shall hold office until his successor is appointed.

## Remuneration

(10) Commissioners may be paid such salary or other remuneration as may be fixed by by-law of the Council.

## Qualifications

R.S.O. 1960,  
c. 249

(11) The provisions for qualification and disqualification applicable to a member of the council of a local municipality, as established from time to time by *The Municipal Act*, excepting therefrom the requirements relating to residence, apply *mutatis mutandis* to the qualification and disqualification of a person appointed or to be appointed a Commissioner.

## Quorum

(12) Three Commissioners constitute a quorum for the transaction of business.

## Chairman

(13) The Commissioners shall, at the first meeting in each year, elect one of their number to be chairman and one of their number to be vice-chairman, each of whom shall hold office during the ensuing year or until a successor is elected.

Powers  
R.S.O. 1960,  
cc. 337, 172

**3.** The Commission, subject to this Act, *The Public Vehicles Act* and *The High Traffic Act*, has full power and authority to acquire, establish, maintain and operate a public bus transportation system within the City of St. Catharines and, subject to the approval of the council of any adjoining municipality, within the limits of such adjoining municipality, and, without limiting the generality of the foregoing, has power,



- (a) to transport and convey passengers throughout Ontario, whether by chartered trips or otherwise;
- (b) to fix transportation fares and tolls and make regulations with respect to the operation and control of the System,

and, subject to the approval of Council, by by-law has power,

- (c) to acquire, by purchase or otherwise, the bus transportation facilities and equipment of any person, firm or corporation operating buses for the conveyance of passengers within the municipality;
- (d) to acquire, by purchase or otherwise, any personal property required for the establishment, operation, maintenance or extension of the System; and
- (e) to enter into an agreement with any adjoining municipality with respect to the terms upon which public bus transportation shall be furnished by the Commission in such adjoining municipality.

4. The power of the Corporation to acquire personal property for a bus transportation system shall be deemed to include the power to acquire such property for the purposes of the Commission and the power to transfer the same to the Commission.

Power of Corporation to acquire personal property

5. Subject to *The Public Vehicles Act* and *The Highway Traffic Act*, the Corporation may by by-law provide that the right of the Commission to maintain and operate buses within the City of St. Catharines is exclusive as against all others.

Exclusive right to operate in city  
R.S.O. 1960, cc. 337, 172

6. The Commission may sue and be sued in its own name, and all claims, suits, accounts and demands arising from or relating to the operation, management or control of the System or from the exercise of any of the powers of the Commission shall be made upon and brought against the Commission and not upon or against the Corporation.

Claims

7. The Commission shall at all times cause to be insured all real and personal property of the Commission, and such insurance shall include public liability and indemnity insurance in connection with all phases of the operation of the Commission, except only such items of liability as may be covered by *The Workmen's Compensation Act*.

Insurance  
R.S.O. 1960, c. 347

8.—(1) The Commission shall, so far as possible, fix transportation fares and tolls and establish such fare zones as may

Fares and tolls

be deemed necessary so that the revenues produced in each year shall be sufficient to provide for,

- (a) the operation and maintenance expenses, including such provision for renewals, depreciation and reserves as it thinks fit;
- (b) the interest and principal payable on any debentures issued by the Corporation to acquire the System and the interest and principal on any moneys subsequently borrowed by the Corporation for the purposes of the Commission.

Remission  
of interest  
and  
principal on  
debentures,  
etc.

(2) The Commission shall remit to the Corporation, on or before the maturity date thereof, any interest and principal payable by the Corporation as provided for in clause *b* of subsection 1.

Fiscal year  
and  
auditors

**9.** The fiscal year of the Commission shall be the calendar year and the auditors of the Corporation shall be the auditors of the Commission, and all books, documents, transactions and accounts of the Commission shall, at all times, be open for the inspection of the auditors and the treasurer of the Corporation.

Financial  
report

**10.** The Commission shall, before the 15th day of February in each year, deliver to the Council a complete audited and certified financial report, including a balance sheet of assets and liabilities and a statement of revenue and expenditures and surpluses or deficits.

Operating  
deficits

**11.** The Commission shall, before the 15th day of February in each year, submit to the Council a statement of any moneys required to pay any deficit of the System as at the end of the preceding calendar year, and the Council shall include the same in its estimates for the year and shall pay over to the Commission, on or before the 1st day of April of the same year, the amount of any such deficit, as shown by the auditor's statement, for such calendar year.

Temporary  
borrowing

**12.** The Commission may, with the consent of Council, borrow by way of temporary loans from any chartered bank to meet the operating expenses of the System.

## PART II

**13.** In this Part,Interpre-  
tation

- (a) "Corporation" means The Corporation of the City of St. Catharines;
- (b) "local board" means a local board, as defined in *The Department of Municipal Affairs Act*, of the City of St. Catharines; R.S.O. 1960.  
c. 98
- (c) "Parks Board" means The Board of Park Management of the City of St. Catharines;
- (d) "services" means the services ordinarily rendered by the Parks Board in the general management, regulation and control of parks under the authority of *The Public Parks Act*. R.S.O. 1960.  
c. 329

**14.** The Parks Board has the power to perform services for the Corporation and local boards and to receive compensation therefor. Services of  
Parks  
Board

**15.** The compensation received for such services shall not derogate from the right of the Parks Board to the revenue derived from rates levied under *The Public Parks Act*. Compensa-  
tion for  
services

## PART III

**16.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**17.** This Act may be cited as *The City of St. Catharines Act*, Short title 1961-62.

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*1st Reading*

November 30th, 1961

*2nd Reading*

*3rd Reading*

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MR. MORNINGSTAR

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(*Private Bill*)

# BILL Pr11

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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## An Act respecting the City of St. Catharines

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MR. MORNINGSTAR

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*(Reprinted as amended by the Committee on Private Bills)*

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TORONTO  
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

AN ACT TO

REPEAL

PRINTED AT

## BILL Pr11

1961-62

## An Act respecting the City of St. Catharines

**W**HEREAS The Corporation of the City of St. Catharines Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it  
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

## 1. In this Act,

Interpre-  
tation

- (a) "Commission" means The St. Catharines Transit Commission;
- (b) "Corporation" means The Corporation of the City of St. Catharines;
- (c) "Council" means the council of the Corporation;
- (d) "System" means the public bus transportation system established by the Corporation under the provisions of paragraph 88a of subsection 1 of section 379 of *The Municipal Act*, and known as R.S.O. 1960, c. 249  
The St. Catharines Transit System.

2.—(1) A Commission is hereby established to be known Commission established  
as The St. Catharines Transit Commission.

- (2) The Commission is a body corporate.

Body  
corporate

(3) The Commission shall consist of five members, to be Composition  
known as Commissioners, appointed from time to time by  
by-law of Council, two of whom may be members of Council.

(4) Commissioners who are not members of Council shall Term of office  
hold office for a term of three years and Commissioners who  
are members of Council shall hold office for a term of one year.

## First Commission

(5) The first Commission shall consist of three Commissioners who are not members of Council, one appointed to hold office to December 31, 1962, one appointed to hold office to December 31, 1963, and one appointed to hold office to December 31, 1964, and two Commissioners who are members of Council appointed to hold office to December 31, 1962.

## Appointments after 1962

(6) After December 31, 1962, none of the Commissioners appointed need to be a member of Council and, where none of the members appointed is a member of Council, not more than two Commissioners shall hold office for the same term.

## Vacancy

(7) If a vacancy occurs on the Commission from any cause, the Council, by by-law, shall appoint a Commissioner to fill such vacancy, who shall hold office for the remainder of the term of his predecessor.

## Eligibility for re-appointment

(8) A Commissioner is eligible for re-appointment upon the expiration of his term of office, provided he is otherwise qualified.

## Term

(9) A Commissioner shall hold office until his successor is appointed.

## Remuneration

(10) Commissioners may be paid such salary or other remuneration as may be fixed by by-law of the Council.

## Qualifications

R.S.O. 1960,  
c. 249

(11) The provisions for qualification and disqualification applicable to a member of the council of a local municipality, as established from time to time by *The Municipal Act*, excepting therefrom the requirements relating to residence, apply *mutatis mutandis* to the qualification and disqualification of a person appointed or to be appointed a Commissioner, but the provisions of clause g of subsection 1 of section 35 of *The Municipal Act* shall not apply to render any member of Council appointed to the Commission ineligible to be elected to the Council or to disentitle such member to sit or vote therein.

## Quorum

(12) Three Commissioners constitute a quorum for the transaction of business.

## Chairman

(13) The Commissioners shall, at the first meeting in each year, elect one of their number to be chairman and one of their number to be vice-chairman, each of whom shall hold office during the ensuing year or until a successor is elected.

Powers  
R.S.O. 1960,  
cc. 337, 172

**3.** The Commission, subject to this Act, *The Public Vehicles Act* and *The Highway Traffic Act*, has full power and authority to acquire, establish, maintain and operate a public bus transportation system within the City of St. Catharines



and, subject to the approval of the council of any adjoining municipality, within the limits of such adjoining municipality, and, without limiting the generality of the foregoing, has power,

- (a) to transport and convey passengers throughout Ontario, whether by chartered trips or otherwise;
- (b) to fix transportation fares and tolls and make regulations with respect to the operation and control of the System,

and, subject to the approval of Council, by by-law has power,

- (c) to acquire, by purchase or otherwise, the bus transportation facilities and equipment of any person, firm or corporation operating buses for the conveyance of passengers within the municipality;
- (d) to acquire, by purchase or otherwise, any personal property required for the establishment, operation, maintenance or extension of the System; and
- (e) to enter into an agreement with any adjoining municipality with respect to the terms upon which public bus transportation shall be furnished by the Commission in such adjoining municipality.

4. The power of the Corporation to acquire personal property for a bus transportation system shall be deemed to include the power to acquire such property for the purposes of the Commission and the power to transfer the same to the Commission.

5. Subject to *The Public Vehicles Act* and *The Highway Traffic Act*, the Corporation may by by-law provide that the right of the Commission to maintain and operate buses for the conveyance of passengers within the City of St. Catharines is exclusive as against all others, but such right shall not affect the right of any public, separate, continuation or high school board or board of education to provide transportation for pupils, by contract or otherwise, and nothing in this Act contained shall affect the right of any person to compensation which, but for the passing of this Act, such person may have had.

6. The Commission may sue and be sued in its own name, and all claims, suits, accounts and demands arising from or relating to the operation, management or control of the System or from the exercise of any of the powers of the Com-

Power of Corporation to acquire personal property

Exclusive right to operate in city  
R.S.O. 1960, cc. 337, 172

Claims

mission shall be made upon and brought against the Commission and not upon or against the Corporation.

Insurance

**7.** The Commission shall at all times cause to be insured all real and personal property of the Commission, and such insurance shall include public liability and indemnity insurance in connection with all phases of the operation of the Commission, except only such items of liability as may be covered by *The Workmen's Compensation Act*.

R.S.O. 1960,  
o. 347

Fares and  
tolls

**8.—(1)** The Commission shall, so far as possible, fix transportation fares and tolls and establish such fare zones as may be deemed necessary so that the revenues produced in each year shall be sufficient to provide for,

- (a) the operation and maintenance expenses, including such provision for renewals, depreciation and reserves as it thinks fit;
- (b) the interest and principal payable on any debentures issued by the Corporation to acquire the System and the interest and principal on any moneys subsequently borrowed by the Corporation for the purposes of the Commission.

Remission  
of interest  
and  
principal on  
debentures,  
etc.

**(2)** The Commission shall remit to the Corporation, on or before the maturity date thereof, any interest and principal payable by the Corporation as provided for in clause *b* of subsection 1.

Fiscal year  
and  
auditors

**9.** The fiscal year of the Commission shall be the calendar year and the auditors of the Corporation shall be the auditors of the Commission, and all books, documents, transactions and accounts of the Commission shall, at all times, be open for the inspection of the auditors and the treasurer of the Corporation.

Financial  
report

**10.** The Commission shall, before the 15th day of February in each year, deliver to the Council a complete audited and certified financial report, including a balance sheet of assets and liabilities and a statement of revenue and expenditures and surpluses or deficits.

Operating  
deficits

**11.** The Commission shall, before the 15th day of February in each year, submit to the Council a statement of any moneys required to pay any deficit of the System as at the end of the preceding calendar year, and the Council shall include the same in its estimates for the year and shall pay over to the Commission, on or before the 1st day of April of the same year, the amount of any such deficit, as shown by the auditor's statement, for such calendar year.

**12.** The Commission may, with the consent of Council, <sup>Temporary borrowing</sup> borrow by way of temporary loans from any chartered bank to meet the operating expenses of the System.

**13.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**14.** This Act may be cited as *The City of St. Catharines Act*, <sup>Short title</sup> 1961-62.

*1st Reading*

November 30th, 1961

*2nd Reading*

*3rd Reading*

---

MR. MORNINGSTAR

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*(Reprinted as amended by the  
Committee on Private Bills)*

**BILL Pr11**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting the City of St. Catharines**

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**MR. MORNINGSTAR**

---



BILL Pr11

1961-62

## An Act respecting the City of St. Catharines

**W**HEREAS The Corporation of the City of St. Catharines Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation

- (a) "Commission" means The St. Catharines Transit Commission;
- (b) "Corporation" means The Corporation of the City of St. Catharines;
- (c) "Council" means the council of the Corporation;
- (d) "System" means the public bus transportation system established by the Corporation under the provisions of paragraph 88a of subsection 1 of section 379 of *The Municipal Act*, and known as R.S.O. 1960,  
c. 249 The St. Catharines Transit System.

2.—(1) A Commission is hereby established to be known Commission  
established as The St. Catharines Transit Commission.

(2) The Commission is a body corporate.

Body  
corporate

(3) The Commission shall consist of five members, to be Composition known as Commissioners, appointed from time to time by by-law of Council, two of whom may be members of Council.

(4) Commissioners who are not members of Council shall Term of  
office hold office for a term of three years and Commissioners who are members of Council shall hold office for a term of one year.

**First Commission**

(5) The first Commission shall consist of three Commissioners who are not members of Council, one appointed to hold office to December 31, 1962, one appointed to hold office to December 31, 1963, and one appointed to hold office to December 31, 1964, and two Commissioners who are members of Council appointed to hold office to December 31, 1962.

**Appointments after 1962**

(6) After December 31, 1962, none of the Commissioners appointed need to be a member of Council and, where none of the members appointed is a member of Council, not more than two Commissioners shall hold office for the same term.

**Vacancy**

(7) If a vacancy occurs on the Commission from any cause, the Council, by by-law, shall appoint a Commissioner to fill such vacancy, who shall hold office for the remainder of the term of his predecessor.

**Eligibility for re-appointment**

(8) A Commissioner is eligible for re-appointment upon the expiration of his term of office, provided he is otherwise qualified.

**Term**

(9) A Commissioner shall hold office until his successor is appointed.

**Remuneration**

(10) Commissioners may be paid such salary or other remuneration as may be fixed by by-law of the Council.

**Qualifications**

R.S.O. 1960,  
c. 249

(11) The provisions for qualification and disqualification applicable to a member of the council of a local municipality, as established from time to time by *The Municipal Act*, excepting therefrom the requirements relating to residence, apply *mutatis mutandis* to the qualification and disqualification of a person appointed or to be appointed a Commissioner, but the provisions of clause g of subsection 1 of section 35 of *The Municipal Act* shall not apply to render any member of Council appointed to the Commission ineligible to be elected to the Council or to disentitle such member to sit or vote therein.

**Quorum**

(12) Three Commissioners constitute a quorum for the transaction of business.

**Chairman**

(13) The Commissioners shall, at the first meeting in each year, elect one of their number to be chairman and one of their number to be vice-chairman, each of whom shall hold office during the ensuing year or until a successor is elected.

Powers  
R.S.O. 1960,  
cc. 337, 172

3. The Commission, subject to this Act, *The Public Vehicles Act* and *The Highway Traffic Act*, has full power and authority to acquire, establish, maintain and operate a public bus transportation system within the City of St. Catharines



and, subject to the approval of the council of any adjoining municipality, within the limits of such adjoining municipality, and, without limiting the generality of the foregoing, has power,

- (a) to transport and convey passengers throughout Ontario, whether by chartered trips or otherwise;
- (b) to fix transportation fares and tolls and make regulations with respect to the operation and control of the System,

and, subject to the approval of Council by by-law, has power,

- (c) to acquire, by purchase or otherwise, the bus transportation facilities and equipment of any person, firm or corporation operating buses for the conveyance of passengers within the municipality;
- (d) to acquire, by purchase or otherwise, any personal property required for the establishment, operation, maintenance or extension of the System; and
- (e) to enter into an agreement with any adjoining municipality with respect to the terms upon which public bus transportation shall be furnished by the Commission in such adjoining municipality.

4. The power of the Corporation to acquire personal property for a bus transportation system shall be deemed to include the power to acquire such property for the purposes of the Commission and the power to transfer the same to the Commission.

Power of Corporation to acquire personal property

5. Subject to *The Public Vehicles Act* and *The Highway Traffic Act*, the Corporation may by by-law provide that the right of the Commission to maintain and operate buses for the conveyance of passengers within the City of St. Catharines is exclusive as against all others, but such right shall not affect the right of any public, separate, continuation or high school board or board of education to provide transportation for pupils, by contract or otherwise, and nothing in this Act contained shall affect the right of any person to compensation which, but for the passing of this Act, such person may have had.

Exclusive right to operate in city R.S.O. 1960, cc. 337, 172

6. The Commission may sue and be sued in its own name, and all claims, suits, accounts and demands arising from or relating to the operation, management or control of the System or from the exercise of any of the powers of the Com-

Claims

mission shall be made upon and brought against the Commission and not upon or against the Corporation.

Insurance

**7.** The Commission shall at all times cause to be insured all real and personal property of the Commission, and such insurance shall include public liability and indemnity insurance in connection with all phases of the operation of the Commission, except only such items of liability as may be covered by *The Workmen's Compensation Act*.

R.S.O. 1960,  
c. 347

Fares and  
tolls

**8.—(1)** The Commission shall, so far as possible, fix transportation fares and tolls and establish such fare zones as may be deemed necessary so that the revenues produced in each year shall be sufficient to provide for,

- (a) the operation and maintenance expenses, including such provision for renewals, depreciation and reserves as it thinks fit;
- (b) the interest and principal payable on any debentures issued by the Corporation to acquire the System and the interest and principal on any moneys subsequently borrowed by the Corporation for the purposes of the Commission.

Remission  
of interest  
and  
principal on  
debentures,  
etc.

(2) The Commission shall remit to the Corporation, on or before the maturity date thereof, any interest and principal payable by the Corporation as provided for in clause *b* of subsection 1.

Fiscal year  
and  
auditors

**9.** The fiscal year of the Commission shall be the calendar year and the auditors of the Corporation shall be the auditors of the Commission, and all books, documents, transactions and accounts of the Commission shall, at all times, be open for the inspection of the auditors and the treasurer of the Corporation.

Financial  
report

**10.** The Commission shall, before the 15th day of February in each year, deliver to the Council a complete audited and certified financial report, including a balance sheet of assets and liabilities and a statement of revenue and expenditures and surpluses or deficits.

Operating  
deficits

**11.** The Commission shall, before the 15th day of February in each year, submit to the Council a statement of any moneys required to pay any deficit of the System as at the end of the preceding calendar year, and the Council shall include the same in its estimates for the year and shall pay over to the Commission, on or before the 1st day of April of the same year, the amount of any such deficit, as shown by the auditor's statement, for such calendar year.

**12.** The Commission may, with the consent of Council, borrow by way of temporary loans from any chartered bank to meet the operating expenses of the System. <sup>Temporary borrowing</sup>

**13.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-ment</sup>

**14.** This Act may be cited as *The City of St. Catharines Act*, Short title 1961-62. <sup>Short title</sup>

*1st Reading*

November 30th, 1961

*2nd Reading*

March 12th, 1962

*3rd Reading*

March 30th, 1962

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MR. MORNINGSTAR

---

**BILL Pr12**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting  
Ontario Co-operative Credit Society**

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**MR. BECKETT**

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**(PRIVATE BILL)**

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**TORONTO**  
**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**



BILL Pr12

1961-62

**An Act respecting  
Ontario Co-operative Credit Society**

**W**HEREAS Ontario Co-operative Credit Society by its Preamble petition has represented that it was incorporated by *The Ontario Co-operative Credit Society Act, 1949* with an 1949, c. 133 authorized capital of \$1,000,000, divided into 100,000 shares having a par value of \$10 each; and whereas the petitioner has prayed for special legislation increasing its authorized capital to \$3,000,000; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The authorized capital of Ontario Co-operative Credit Society is increased from \$1,000,000 to \$3,000,000 by the <sup>capital</sup> <sup>increased</sup> creation of 200,000 shares having a par value of \$10 each, ranking in all respects *pari passu* with the existing 100,000 shares.
2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>
3. This Act may be cited as *The Ontario Co-operative Credit Society Act, 1961-62*. <sup>Short title</sup>

Ontario Co-operative Credit Society

---

*1st Reading*

November 30th, 1961

*2nd Reading*

*3rd Reading*

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MR. BECKETT

---

(*Private Bill*)



# **BILL Pr12**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting Ontario Co-operative Credit Society**

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**MR. BECKETT**

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1911

1911

1911

BILL Pr12

1961-62

**An Act respecting  
Ontario Co-operative Credit Society**

**W**HEREAS Ontario Co-operative Credit Society by its Preamble petition has represented that it was incorporated by *The Ontario Co-operative Credit Society Act, 1949* with an authorized capital of \$1,000,000, divided into 100,000 shares having a par value of \$10 each; and whereas the petitioner has prayed for special legislation increasing its authorized capital to \$3,000,000; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The authorized capital of Ontario Co-operative Credit Society is increased from \$1,000,000 to \$3,000,000 by the <sup>Authorized capital increased</sup> creation of 200,000 shares having a par value of \$10 each, ranking in all respects *pari passu* with the existing 100,000 shares.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sub>ment</sub>

**3.** This Act may be cited as *The Ontario Co-operative Credit Society Act, 1961-62*. <sup>Short title</sup>

Ontario Co-operative Credit Society

*1st Reading*

November 30th, 1961

*2nd Reading*

March 1st, 1962

*3rd Reading*

March 20th, 1962

MR. BECKETT

**BILL Pr13**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting the Township of Nepean**

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**MR. JOHNSTON (Carleton)**

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**(PRIVATE BILL)**



BILL Pr13

1961-62

## An Act respecting the Township of Nepean

**W**HEREAS The Corporation of the Township of Nepean <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 16-61, passed by The Corporation of the Township of Nepean on the 11th day of April, 1961, set forth as Schedule A hereto, authorizing the issue of debentures of the Corporation in the principal amount not exceeding the sum of \$118,000 to defray the cost of constructing a six-room addition to a school building in Township School Area No. 2, Nepean, in the Township of Nepean, known as Fisher Heights Public School, and the purchase of furniture, furnishings, school apparatus and other equipment therefor, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. <sup>By-law confirmed</sup>

2. By-law No. 51-61, passed by The Corporation of the Township of Nepean on the 10th day of August, 1961, set forth as Schedule B hereto, authorizing the issue of debentures of the Corporation in the principal amount not exceeding the sum of \$76,500 to defray the cost of constructing a four-room addition to a school building in Township School Area No. 2, Nepean, in the Township of Nepean, known as City View Public School, and the purchase of furniture, furnishings, school apparatus and other equipment therefor, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. <sup>By-law confirmed</sup>

3. Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of By-law No. 16-61 and By-law No. 51-61 and the debentures to be issued thereunder. <sup>Application of R.S.O. 1960, c. 274</sup>

By-law  
deemed  
approved  
by O.M.B.  
R.S.O. 1960,  
cc. 330, 274

**4.** For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order, pursuant to section 63 of *The Public Schools Act* and section 64 of *The Ontario Municipal Board Act*, authorizing the public school board of Township School Area No. 2, Nepean, in the Township of Nepean, to proceed with the construction of the works and the purchases referred to in sections 1 and 2 and authorizing The Corporation of the Township of Nepean to pass By-law No. 16-61 and By-law No. 51-61, referred to in sections 1 and 2 respectively.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Township of Nepean Act, 1961-62*.



## SCHEDULE A

## THE CORPORATION OF THE TOWNSHIP OF NEPEAN

## BY-LAW No. 16-61

BEING A BY-LAW to authorize the borrowing of an amount not exceeding the sum of \$118,000.00, upon debentures for the Public School Board of Township School Area No. 2 Nepean, of the Township of Nepean, in the County of Carleton and Province of Ontario.

WHEREAS the Trustees of Township School Area No. 2 Nepean, Public School, of the Township of Nepean, in the County of Carleton, in the Province of Ontario, at a Special Meeting duly called for the purpose and held on Friday the 4th day of November, 1960, approved and sanctioned the construction of a six-room addition to school building in said Township School Area No. 2 Nepean, Public School, of the Township of Nepean, and the purchase of furniture, furnishings, school apparatus and other equipment therefor, and further approved and sanctioned the issue of debentures to an amount not exceeding the sum of \$118,000.00 payable out of the taxable property of the Public School supporters of said Township School Area No. 2 Nepean, for the purpose of defraying the cost of such construction and purchase of such furniture, furnishings, school apparatus and other equipment therefor;

AND WHEREAS the Public School Board of Township School Area No. 2 Nepean, of the Township of Nepean, in the County of Carleton, in the Province of Ontario, has applied to the Council of The Corporation of the Township of Nepean to pass a By-law for borrowing the necessary money for the said purposes by the issue and sale of debentures in an amount not exceeding the sum of \$118,000.00;

AND WHEREAS it is deemed expedient to grant the application of the said Public School Board of Township School Area No. 2 Nepean, and to borrow for the said purposes an amount not exceeding the said sum of \$118,000.00 and to issue debentures therefor bearing interest at the rate of six (6%) per centum per annum payable annually, and to provide for the discount and the expenses incidental to negotiation of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of 20 years next following the date of the issue of such debentures in such amounts respectively that with the interest in respect of the debt, the aggregate amount payable for the principal and interest in each year shall be as nearly equal as possible and to provide that the annual instalments of principal and interest may differ in amount sufficiently to admit thereof;

THEREFORE the Council of The Corporation of The Township of Nepean enacts as follows:

(a) The Corporation of The Township of Nepean shall borrow for the purposes aforesaid, upon the credit of the Corporation a sum not exceeding one hundred and eighteen thousand dollars (\$118,000.00), and shall issue debentures therefor in sums of not less than \$100.00 each. Each debenture shall bear interest at the rate of six (6%) per centum per annum payable annually, and shall have coupons attached thereto for the payment of such interest.

(b) All the debentures shall bear date the 1st day of April, 1961, shall be issued at one time, and shall be made payable in annual instalments during the period of twenty years next after the date of issue thereof, and the respective amounts of principal and interest payable in such years shall be the amounts so designated in Schedule "A" hereto annexed.

(c) The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at such places in Canada as designated thereon.

(d) The said debentures shall be sealed with the Seal of the Corporation and signed by the head of the Council, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

(e) Commencing in the year 1962 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates, upon the taxable property of Public School supporters in said Township School Area No. 2 Nepean, of The Township of Nepean.

(f) The said debentures shall contain a clause providing for the registration thereof pursuant to Section 323 of *The Municipal Act*.

By-law introduced and read a first time this 9th day of March, 1961.

By-law read a second time this 9th day of March, 1961.

By-law read a third time and passed under the Corporate Seal of The Corporation of The Township of Nepean this 11th day of April, 1961.

D. A. MOODIE,  
*Recve.*

ANDREW G. McLEAN,  
*Clerk.*

*Schedule "A" to By-law 16-61 of the Township of Nepean***\$118,000.00**

6% Debentures			1-20 years
<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
1962	\$ 3,000	\$ 7,080	\$ 10,080
1963	3,000	6,900	9,900
1964	4,000	6,720	10,720
1965	4,000	6,480	10,480
1966	4,000	6,240	10,240
1967	4,000	6,000	10,000
1968	5,000	5,760	10,760
1969	5,000	5,460	10,460
1970	5,000	5,160	10,160
1971	5,000	4,860	9,860
1972	6,000	4,560	10,560
1973	6,000	4,200	10,200
1974	6,000	3,840	9,840
1975	7,000	3,480	10,480
1976	7,000	3,060	10,060
1977	8,000	2,640	10,640
1978	8,000	2,160	10,160
1979	9,000	1,680	10,680
1980	9,000	1,140	10,140
1981	10,000	600	10,600
	<u><u>\$118,000</u></u>	<u><u>\$88,020</u></u>	<u><u>\$206,020</u></u>

## SCHEDULE B

### THE CORPORATION OF THE TOWNSHIP OF NEPEAN

#### BY-LAW No. 51-61

BEING A BY-LAW to authorize the borrowing of an amount not exceeding the sum of \$76,500.00, upon debentures for the Public School Board of Township School Area No. 2 Nepean, of The Township of Nepean, in the County of Carleton and Province of Ontario.

WHEREAS the Trustees of Township School Area No. 2 Nepean, Public School, of the Township of Nepean, in the County of Carleton, in the Province of Ontario, at a Special Meeting duly called for the purpose and held on Saturday the 14th day of February, 1959, approved and sanctioned the construction of a four-room addition to school building in said Township School Area No. 2 Nepean, Public School, of the Township of Nepean, and the purchase of furniture, furnishings, school apparatus and other equipment therefor, and further approved and sanctioned the issue of debentures to an amount not exceeding the sum of \$76,500.00 payable out of the taxable property of the Public School supporters of said Township School Area No. 2 Nepean, for the purpose of defraying the cost of such construction and purchase of such furniture, furnishings, school apparatus and other equipment therefor;

AND WHEREAS the Public School Board of Township School Area No. 2 Nepean, of the Township of Nepean, in the County of Carleton, in the Province of Ontario, has applied to the Council of The Corporation of The Township of Nepean to pass a By-law for borrowing the necessary money for the said purposes by the issue and sale of debentures in an amount not exceeding the sum of \$76,500.00;

AND WHEREAS it is deemed expedient to grant the application of the said Public School Board of Township School Area No. 2 Nepean, and to borrow for the said purposes an amount not exceeding the said sum of \$76,500.00 and to issue debentures therefor bearing interest at the rate of five and three-quarters (5¾%) per centum per annum payable annually, and to provide for the discount and the expenses incidental to negotiation of such debentures:

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of 20 years next following the date of the issue of such debentures, in such amounts respectively that with the interest in respect of the debt, the aggregate amount payable for the principal and interest in each year shall be as nearly equal as possible and to provide that the annual instalments of principal and interest may differ in amount sufficiently to admit thereof;

THEREFORE the Council of The Corporation of The Township of Nepean enacts as follows:

(a) The Corporation of The Township of Nepean shall borrow for the purposes aforesaid, upon the credit of The Corporation a sum not exceeding seventy-six thousand five hundred dollars (\$76,500.00), and shall issue debentures therefor in sums of not less than \$100.00 each. Each debenture shall bear interest at the rate of five and three-quarters (5¾%) per centum per annum payable annually, and shall have coupons attached thereto for the payment of such interest.

(b) All the debentures shall bear date the 1st day of April, 1961, shall be issued at one time, and shall be made payable in annual instalments during the period of twenty years next after the date of issue thereof, and the respective amounts of principal and interest payable in such years shall be the amounts so designated in Schedule "A" hereto annexed.

(c) The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at such places in Canada as designated thereon.

(d) The said debentures shall be sealed with the Seal of the Corporation and signed by the head of the Council, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

(e) Commencing in the year 1962 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates, upon the taxable property of Public School supporters in said Township School Area No. 2 Nepean, of The Township of Nepean.

(f) The said debentures shall contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

**By-law introduced and read a first time this 10th day of August, 1961.**

**By-law read a second time this 10th day of August, 1961.**

**By-law read a third time and passed under the Corporate Seal of the Corporation of The Township of Nepean this 10th day of August, 1961.**

D. A. MOODIE,  
*Reeve.*

D. E. HOBBS,  
*Acting Clerk.*

*Schedule "A" to By-law 51-61 of the Township of Nepean***\$76,500.00**

5¾% Debentures			1-20 years
<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
1962	\$ 2,000.00	\$ 4,398.75	\$ 6,398.75
1963	2,000.00	4,283.75	6,283.75
1964	2,500.00	4,168.75	6,668.75
1965	2,500.00	4,025.00	6,525.00
1966	2,500.00	3,881.25	6,381.25
1967	3,000.00	3,737.50	6,737.50
1968	3,000.00	3,565.00	6,565.00
1969	3,000.00	3,392.50	6,392.50
1970	3,500.00	3,220.00	6,720.00
1971	3,500.00	3,018.75	6,518.75
1972	3,500.00	2,817.50	6,317.50
1973	4,000.00	2,616.25	6,616.25
1974	4,000.00	2,386.25	6,386.25
1975	4,500.00	2,156.25	6,656.25
1976	4,500.00	1,897.50	6,397.50
1977	5,000.00	1,638.75	6,638.75
1978	5,500.00	1,351.25	6,851.25
1979	5,500.00	1,035.00	6,535.00
1980	6,000.00	718.75	6,718.75
1981	6,500.00	373.75	6,873.75
	<u>\$76,500.00</u>	<u>\$54,682.50</u>	<u>\$131,182.50</u>

1861

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*1st Reading*

November 30th, 1961

*2nd Reading*

*3rd Reading*

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MR. JOHNSTON (Carleton)

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(*Private Bill*)



## **BILL Pr13**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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### **An Act respecting the Township of Nepean**

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MR. JOHNSTON (Carleton)

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Am. Soc. Respects

1891

BILL Pr13

1961-62

## An Act respecting the Township of Nepean

**W**HEREAS The Corporation of the Township of Nepean <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 16-61, passed by The Corporation of the Township of Nepean on the 11th day of April, 1961, set forth as Schedule A hereto, authorizing the issue of debentures of the Corporation in the principal amount not exceeding the sum of \$118,000 to defray the cost of constructing a six-room addition to a school building in Township School Area No. 2, Nepean, in the Township of Nepean, known as Fisher Heights Public School, and the purchase of furniture, furnishings, school apparatus and other equipment therefor, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. <sup>By-law confirmed</sup>

2. By-law No. 51-61, passed by The Corporation of the Township of Nepean on the 10th day of August, 1961, set forth as Schedule B hereto, authorizing the issue of debentures of the Corporation in the principal amount not exceeding the sum of \$76,500 to defray the cost of constructing a four-room addition to a school building in Township School Area No. 2, Nepean, in the Township of Nepean, known as City View Public School, and the purchase of furniture, furnishings, school apparatus and other equipment therefor, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. <sup>By-law confirmed</sup>

3. Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of By-law No. 16-61 and By-law No. 51-61 and the debentures to be issued thereunder. <sup>Application of R.S.O. 1960, c. 274</sup>

By-law  
deemed  
approved  
by O.M.B.  
R.S.O. 1960,  
cc. 330, 274

**4.** For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order, pursuant to section 63 of *The Public Schools Act* and section 64 of *The Ontario Municipal Board Act*, authorizing the public school board of Township School Area No. 2, Nepean, in the Township of Nepean, to proceed with the construction of the works and the purchases referred to in sections 1 and 2 and authorizing The Corporation of the Township of Nepean to pass By-law No. 16-61 and By-law No. 51-61, referred to in sections 1 and 2 respectively.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Township of Nepean Act, 1961-62*.

## SCHEDULE A

## THE CORPORATION OF THE TOWNSHIP OF NEPEAN

## By-LAW No. 16-61

BEING A BY-LAW to authorize the borrowing of an amount not exceeding the sum of \$118,000.00, upon debentures for the Public School Board of Township School Area No. 2 Nepean, of the Township of Nepean, in the County of Carleton and Province of Ontario.

WHEREAS the Trustees of Township School Area No. 2 Nepean, Public School, of the Township of Nepean, in the County of Carleton, in the Province of Ontario, at a Special Meeting duly called for the purpose and held on Friday the 4th day of November, 1960, approved and sanctioned the construction of a six-room addition to school building in said Township School Area No. 2 Nepean, Public School, of the Township of Nepean, and the purchase of furniture, furnishings, school apparatus and other equipment therefor, and further approved and sanctioned the issue of debentures to an amount not exceeding the sum of \$118,000.00 payable out of the taxable property of the Public School supporters of said Township School Area No. 2 Nepean, for the purpose of defraying the cost of such construction and purchase of such furniture, furnishings, school apparatus and other equipment therefor;

AND WHEREAS the Public School Board of Township School Area No. 2 Nepean, of the Township of Nepean, in the County of Carleton, in the Province of Ontario, has applied to the Council of The Corporation of the Township of Nepean to pass a By-law for borrowing the necessary money for the said purposes by the issue and sale of debentures in an amount not exceeding the sum of \$118,000.00;

AND WHEREAS it is deemed expedient to grant the application of the said Public School Board of Township School Area No. 2 Nepean, and to borrow for the said purposes an amount not exceeding the said sum of \$118,000.00 and to issue debentures therefor bearing interest at the rate of six (6%) per centum per annum payable annually, and to provide for the discount and the expenses incidental to negotiation of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of 20 years next following the date of the issue of such debentures in such amounts respectively that with the interest in respect of the debt, the aggregate amount payable for the principal and interest in each year shall be as nearly equal as possible and to provide that the annual instalments of principal and interest may differ in amount sufficiently to admit thereof;

THEREFORE the Council of The Corporation of The Township of Nepean enacts as follows:

(a) The Corporation of The Township of Nepean shall borrow for the purposes aforesaid, upon the credit of the Corporation a sum not exceeding one hundred and eighteen thousand dollars (\$118,000.00), and shall issue debentures therefor in sums of not less than \$100.00 each. Each debenture shall bear interest at the rate of six (6%) per centum per annum payable annually, and shall have coupons attached thereto for the payment of such interest.

(b) All the debentures shall bear date the 1st day of April, 1961, shall be issued at one time, and shall be made payable in annual instalments during the period of twenty years next after the date of issue thereof, and the respective amounts of principal and interest payable in such years shall be the amounts so designated in Schedule "A" hereto annexed.

(c) The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at such places in Canada as designated thereon.

(d) The said debentures shall be sealed with the Seal of the Corporation and signed by the head of the Council, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

(e) Commencing in the year 1962 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates, upon the taxable property of Public School supporters in said Township School Area No. 2 Nepean, of The Township of Nepean.

(f) The said debentures shall contain a clause providing for the registration thereof pursuant to Section 323 of *The Municipal Act*.

By-law introduced and read a first time this 9th day of March, 1961.

By-law read a second time this 9th day of March, 1961.

By-law read a third time and passed under the Corporate Seal of The Corporation of The Township of Nepean this 11th day of April, 1961.

D. A. MOODIE,  
Reeve.

ANDREW G. MCLEAN,  
Clerk.

*Schedule "A" to By-law 16-61 of the Township of Nepean***\$118,000.00**

6% Debentures		1-20 years	
<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
1962	\$ 3,000	\$ 7,080	\$ 10,080
1963	3,000	6,900	9,900
1964	4,000	6,720	10,720
1965	4,000	6,480	10,480
1966	4,000	6,240	10,240
1967	4,000	6,000	10,000
1968	5,000	5,760	10,760
1969	5,000	5,460	10,460
1970	5,000	5,160	10,160
1971	5,000	4,860	9,860
1972	6,000	4,560	10,560
1973	6,000	4,200	10,200
1974	6,000	3,840	9,840
1975	7,000	3,480	10,480
1976	7,000	3,060	10,060
1977	8,000	2,640	10,640
1978	8,000	2,160	10,160
1979	9,000	1,680	10,680
1980	9,000	1,140	10,140
1981	10,000	600	10,600
	<u>\$118,000</u>	<u>\$88,020</u>	<u>\$206,020</u>

## SCHEDULE B

### THE CORPORATION OF THE TOWNSHIP OF NEPEAN

#### By-LAW No. 51-61

BEING A BY-LAW to authorize the borrowing of an amount not exceeding the sum of \$76,500.00, upon debentures for the Public School Board of Township School Area No. 2 Nepean, of The Township of Nepean, in the County of Carleton and Province of Ontario.

WHEREAS the Trustees of Township School Area No. 2 Nepean, Public School, of the Township of Nepean, in the County of Carleton, in the Province of Ontario, at a Special Meeting duly called for the purpose and held on Saturday the 14th day of February, 1959, approved and sanctioned the construction of a four-room addition to school building in said Township School Area No. 2 Nepean, Public School, of the Township of Nepean, and the purchase of furniture, furnishings, school apparatus and other equipment therefor, and further approved and sanctioned the issue of debentures to an amount not exceeding the sum of \$76,500.00 payable out of the taxable property of the Public School supporters of said Township School Area No. 2 Nepean, for the purpose of defraying the cost of such construction and purchase of such furniture, furnishings, school apparatus and other equipment therefor;

AND WHEREAS the Public School Board of Township School Area No. 2 Nepean, of the Township of Nepean, in the County of Carleton, in the Province of Ontario, has applied to the Council of The Corporation of The Township of Nepean to pass a By-law for borrowing the necessary money for the said purposes by the issue and sale of debentures in an amount not exceeding the sum of \$76,500.00;

AND WHEREAS it is deemed expedient to grant the application of the said Public School Board of Township School Area No. 2 Nepean, and to borrow for the said purposes an amount not exceeding the said sum of \$76,500.00 and to issue debentures therefor bearing interest at the rate of five and three-quarters (5¾%) per centum per annum payable annually, and to provide for the discount and the expenses incidental to negotiation of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of 20 years next following the date of the issue of such debentures, in such amounts respectively that with the interest in respect of the debt, the aggregate amount payable for the principal and interest in each year shall be as nearly equal as possible and to provide that the annual instalments of principal and interest may differ in amount sufficiently to admit thereof;

THEREFORE the Council of The Corporation of The Township of Nepean enacts as follows:

(a) The Corporation of The Township of Nepean shall borrow for the purposes aforesaid, upon the credit of The Corporation a sum not exceeding seventy-six thousand five hundred dollars (\$76,500.00), and shall issue debentures therefor in sums of not less than \$100.00 each. Each debenture shall bear interest at the rate of five and three-quarters (5¾%) per centum per annum payable annually, and shall have coupons attached thereto for the payment of such interest.

(b) All the debentures shall bear date the 1st day of April, 1961, shall be issued at one time, and shall be made payable in annual instalments during the period of twenty years next after the date of issue thereof, and the respective amounts of principal and interest payable in such years shall be the amounts so designated in Schedule "A" hereto annexed.



(c) The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at such places in Canada as designated thereon.

(d) The said debentures shall be sealed with the Seal of the Corporation and signed by the head of the Council, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

(e) Commencing in the year 1962 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates, upon the taxable property of Public School supporters in said Township School Area No. 2 Nepean, of The Township of Nepean.

(f) The said debentures shall contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

By-law introduced and read a first time this 10th day of August, 1961.

By-law read a second time this 10th day of August, 1961.

By-law read a third time and passed under the Corporate Seal of the Corporation of The Township of Nepean this 10th day of August, 1961.

D. A. MOODIE,  
*Reeve.*

D. E. HOBBS,  
*Acting Clerk.*

*Schedule "A" to By-law 51-61 of the Township of Nepean***\$76,500.00**

5¾% Debentures			1-20 years
<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
1962	\$ 2,000.00	\$ 4,398.75	\$ 6,398.75
1963	2,000.00	4,283.75	6,283.75
1964	2,500.00	4,168.75	6,668.75
1965	2,500.00	4,025.00	6,525.00
1966	2,500.00	3,881.25	6,381.25
1967	3,000.00	3,737.50	6,737.50
1968	3,000.00	3,565.00	6,565.00
1969	3,000.00	3,392.50	6,392.50
1970	3,500.00	3,220.00	6,720.00
1971	3,500.00	3,018.75	6,518.75
1972	3,500.00	2,817.50	6,317.50
1973	4,000.00	2,616.25	6,616.25
1974	4,000.00	2,386.25	6,386.25
1975	4,500.00	2,156.25	6,656.25
1976	4,500.00	1,897.50	6,397.50
1977	5,000.00	1,638.75	6,638.75
1978	5,500.00	1,351.25	6,851.25
1979	5,500.00	1,035.00	6,535.00
1980	6,000.00	718.75	6,718.75
1981	6,500.00	373.75	6,873.75
	<u><u>\$76,500.00</u></u>	<u><u>\$54,682.50</u></u>	<u><u>\$131,182.50</u></u>

1001 1001 1001

1st Reading

the Journal of the

An Act respecting  
the Township of Nepean

*1st Reading*

November 30th, 1961

*2nd Reading*

February 23rd, 1962

*3rd Reading*

March 12th, 1962

Mr. JOHNSTON (Carleton)

# **BILL Pr14**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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## **An Act respecting the City of Toronto**

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MR. COWLING

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(PRIVATE BILL)



BILL Pr14

1961-62

## An Act respecting the City of Toronto

**W**HEREAS The Corporation of the City of Toronto, <sup>Preamble</sup> herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 17275, passed by the council of the Corpora- <sup>Gasoline</sup> <sup>service</sup> <sup>stations</sup> <sup>closing</sup> <sup>by-law</sup> <sup>confirmed</sup> tion, entitled "A by-law to require the closing of gasoline service stations during certain hours", set forth as the Schedule hereto, is confirmed and declared to be legal, valid and binding from the 1st day of September, 1961.

2.—(1) Subject to the approval of the Ontario Municipal <sup>By-laws re</sup> <sup>special</sup> <sup>charges</sup> Board first being obtained, the council of the Corporation may pass by-laws for imposing upon the owners of high-rise or other buildings, as defined by the by-law, for the erection or enlargement of which a building permit was or is issued subsequent to the 11th day of September, 1961, or of any class or classes of such buildings, that impose or may impose a heavy load on the sewer system or water system, or both, by reason of which expenditures are or may be required to provide additional sanitary or storm sewer or water supply capacity, which, in the opinion of the council, would not otherwise be required, a special charge or charges over and above all other rates and charges to pay for all or part of the cost of providing the additional capacity.

(2) The proceeds of the charge or charges authorized by <sup>Application</sup> <sup>of proceeds</sup> subsection 1 shall be used for the purpose therein referred to and not otherwise.

(3) Any charge or charges imposed under subsection 1 are <sup>Charges</sup> <sup>a lien on</sup> <sup>land</sup> a lien upon the land on which the building is erected and may be collected in the same manner and with the same remedies as provided by *The Assessment Act* for the collection <sup>R.S.O. 1960,</sup> <sup>c. 23</sup> of real property taxes.

**Appeal** (4) There shall be an appeal to the court of revision of the City of Toronto from any charge or charges authorized by subsection 1, and the provisions with respect to appeals to the court of revision and section 51 of *The Local Improvement Act* apply *mutatis mutandis*.

R.S.O. 1960,  
c. 223

**Application of section** (5) This section does not apply to single-family, double or duplex buildings.

**Travel insurance for members of council**  
R.S.O. 1960,  
c. 190

**3.** The council of the Corporation may enter into contracts with an insurer licensed under *The Insurance Act* for group life and group accident insurance to indemnify any member of council or his estate against loss in case he is accidentally killed or injured while travelling on the business of the Corporation or in the performance of his duties as a member of council either within or outside the City of Toronto, provided that the maximum amount payable under an insurance contract in respect of the death or injury of one person shall not exceed \$125,000.

**Limitation on proceedings to enforce the building by-law**  
R.S.O. 1960,  
c. 287

**4.** Notwithstanding section 3 of *The Summary Convictions Act*, proceedings to enforce By-law No. 9868 of the Corporation, to regulate the erection and provide for the safety of buildings, as amended or re-enacted from time to time, may be instituted within six months after the time when the facts upon which the proceedings are based first came to the knowledge of the Inspector of Buildings.

**Commencement**

**5.—(1)** This Act, except section 3, comes into force on the day it receives Royal Assent.

**Idem**

**(2)** Section 3 shall be deemed to have come into force on the 1st day of May, 1961.

**Short title**

**6.** This Act may be cited as *The City of Toronto Act, 1961-62*.



## SCHEDULE

## No. 17275. A BY-LAW

*To require the closing of gasoline service stations during certain hours.*

[Passed May 31, 1948.]

The Council of the Corporation of the City of Toronto enacts as follows:

1. In this by-law,
  - (1) "gasoline service station" means a retail gasoline service station, gasoline pump or outlet in the retail gasoline service industry as defined in *The Industrial Standards Act*;
  - (2) whenever an expression of time occurs, the time referred to, or intended, shall be "Standard Time".
2. All gasoline service stations within the City of Toronto shall, during the months of January, February, March, April, October, November and December in every year, be closed and remain closed between the hour of seven of the clock in the afternoon of each Monday, Tuesday, Wednesday, Thursday and Friday and seven of the clock in the forenoon of the next following day and between the hour of seven of the clock in the afternoon of each Saturday and seven of the clock in the forenoon of the next following Monday.
3. All gasoline service stations within the City of Toronto shall, during the months of May, June, July, August and September in every year, be closed and remain closed between the hour of six of the clock in the afternoon of each Monday, Tuesday, Wednesday, Thursday and Friday and six of the clock in the forenoon of the next following day and between the hour of six of the clock in the afternoon of each Saturday and six of the clock in the forenoon of the next following Monday.
4. Subject to the provisions of section 6, every occupier or person in charge of a gasoline service station shall close and keep same closed as required by the provisions of sections 2 and 3.
- 5.—(1) There is hereby established an Advisory Committee to consist of the Chief Constable or his representative and a representative of the City Council, three gasoline service station employers and two gasoline service station employees.
  - (2) The Members of the said Committee, other than the Chief Constable or his representative, shall be appointed by the Council on the recommendation of the Board of Control.
  - (3) The appointed members of the Committee shall hold office during the pleasure of the Council and shall be eligible for re-appointment.
  - (4) Meetings of the Committee shall be held at the call of the chairman and four members of the Committee shall constitute a quorum.
- 6.—(1) Notwithstanding anything heretofore contained in this by-law the Chief Constable is hereby authorized to issue, upon the recommendation of the said Committee, permits to allow certain gasoline service stations to be and remain open during the part or parts of the day or days specified in the permit which permit may only be issued in accordance with certain regulations and restrictions as follows, namely:
  - (a) Permits for Sunday may be issued only for the period from ten of the clock in the forenoon to five of the clock in the afternoon during the months of January, February, March, April, October, November and December and from nine of the clock in the forenoon to four of the clock in the afternoon during the months of May, June, July, August and September.

(b) Permits for Sunday shall not be issued to more than twenty per centum of those gasoline service stations participating in a rotary system of remaining open and not more than one Sunday permit shall be issued in any calendar month in respect to the same gasoline service station.

(c) Permits may be issued for any part of any day or days to not more than five per centum of the gasoline service stations within the municipality for the supply of emergency services only.

(2) Any such permit may be revoked at any time for cause.

7. This by-law shall take effect on the 12th day of June, 1948, and shall be subject to the provisions of *The Factory, Shop and Office Building Act*.

8. Every person who contravenes any of the provisions of this by-law shall, upon conviction thereof, forfeit and pay, at the discretion of the convicting Magistrate, a penalty not exceeding (exclusive of costs) the sum of \$50.00 for each offence.

H. E. McCALLUM,  
*Mayor.*

GEORGE A. WEALE,  
*City Clerk.*

Council Chamber,  
Toronto, May 31, 1948.

(L.S.)



*1st Reading*

November 30th, 1961

*2nd Reading*

*3rd Reading*

MR. COWLING

(*Private Bill*)

# **BILL Pr14**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the City of Toronto**

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**MR. COWLING**

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*(Reprinted as amended by the Committee on Private Bills)*

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BILL Pr14

1961-62

## An Act respecting the City of Toronto

**W**HEREAS The Corporation of the City of Toronto, <sup>Preamble</sup> herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subject to the approval of the Ontario Municipal Board first being obtained, the council of the Corporation <sup>By-laws re special charges</sup> may pass by-laws for imposing upon the owners of high-rise or other buildings, as defined by the by-law, for the erection or enlargement of which a building permit was or is issued subsequent to the 6th day of March, 1962, or of any class or classes of such buildings, that impose or may impose a heavy load on the sewer system or water system, or both, by reason of which expenditures are or may be required to provide additional sanitary or storm sewer or water supply capacity, which, in the opinion of the council, would not otherwise be required, a special charge or charges over and above all other rates and charges to pay for all or part of the cost of providing the additional capacity.

(2) The proceeds of the charge or charges authorized by subsection 1 shall be used for the purpose therein referred to and not otherwise. <sup>Application of proceeds</sup>

(3) Any charge or charges imposed under subsection 1 are a lien upon the land on which the building is erected and may be collected in the same manner and with the same remedies as provided by *The Assessment Act* for the collection of real property taxes. <sup>Charges a lien on land</sup> R.S.O. 1960, c. 23

(4) There shall be an appeal to the court of revision of the City of Toronto from any charge or charges authorized by subsection 1, and the provisions with respect to appeals to the court of revision and section 51 of *The Local Improvement Act* apply *mutatis mutandis*. <sup>Appeal</sup> R.S.O. 1960, c. 223

**Application of section** (5) This section does not apply to single-family, double or duplex buildings.

**Commencement** 2. This Act comes into force on the day it receives Royal Assent.

**Short title** 3. This Act may be cited as *The City of Toronto Act, 1961-62*.









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*1st Reading*

November 30th, 1961

*2nd Reading*

*3rd Reading*

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MR. COWLING

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*(Reprinted as amended by the  
Committee on Private Bills)*

# **BILL Pr14**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the City of Toronto**

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**MR. COWLING**

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BILL Pr14

1961-62

## An Act respecting the City of Toronto

**W**HEREAS The Corporation of the City of Toronto, <sup>Preamble</sup> herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subject to the approval of the Ontario Municipal Board first being obtained, the council of the Corporation <sup>By-laws re special charges</sup> may pass by-laws for imposing upon the owners of high-rise or other buildings, as defined by the by-law, for the erection or enlargement of which a building permit was or is issued subsequent to the 6th day of March, 1962, or of any class or classes of such buildings, that impose or may impose a heavy load on the sewer system or water system, or both, by reason of which expenditures are or may be required to provide additional sanitary or storm sewer or water supply capacity, which, in the opinion of the council, would not otherwise be required, a special charge or charges over and above all other rates and charges to pay for all or part of the cost of providing the additional capacity.

(2) The proceeds of the charge or charges authorized by <sup>Application of proceeds</sup> subsection 1 shall be used for the purpose therein referred to and not otherwise.

(3) Any charge or charges imposed under subsection 1 are <sup>Charges a lien on land</sup> a lien upon the land on which the building is erected and may be collected in the same manner and with the same remedies as provided by *The Assessment Act* for the collection <sup>R.S.O. 1960, c. 23</sup> of real property taxes.

(4) There shall be an appeal to the court of revision of the <sup>Appeal</sup> City of Toronto from any charge or charges authorized by subsection 1, and the provisions with respect to appeals to the court of revision and section 51 of *The Local Improvement Act* <sup>R.S.O. 1960, c. 223</sup> apply *mutatis mutandis*.

- Application of section** (5) This section does not apply to single-family, double or duplex buildings.
- Commencement** **2.** This Act comes into force on the day it receives Royal Assent.
- Short title** **3.** This Act may be cited as *The City of Toronto Act, 1961-62*.







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10-10-04

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*1st Reading*

November 30th, 1961

*2nd Reading*

March 12th, 1962

*3rd Reading*

March 30th, 1962

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MR. COWLING

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**BILL Pr15**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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**An Act respecting The High School Board of the Township  
of Nepean and The Collegiate Institute Board of  
the City of Ottawa**

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MR. JOHNSTON (Carleton)

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(PRIVATE BILL)

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BILL Pr15

1961-62

**An Act respecting The High School Board of  
the Township of Nepean and The Collegiate  
Institute Board of the City of Ottawa**

**W**HEREAS The High School Board of the Township of Nepean and The Collegiate Institute Board of the City of Ottawa by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Agreement between The High School Board of the Township of Nepean and The Collegiate Institute Board of the City of Ottawa, dated the 15th day of May, 1961, set forth as the Schedule hereto, is confirmed and declared to be legal, valid and binding upon both boards, and both boards are hereby empowered to carry out all their respective obligations that may arise thereunder. <sup>Agreement validated</sup>
2. The Agreement may be amended by mutual consent of both boards only with the approval of the Minister of Education. <sup>Amendment of Agreement</sup>
3. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>
4. This Act may be cited as *The Nepean-Ottawa High Schools Act, 1961-62*. <sup>Short title</sup>

## SCHEDULE

THIS AGREEMENT made in duplicate the 15th day of May, A.D. 1961.

BETWEEN:

NEPEAN TOWNSHIP HIGH SCHOOL DISTRICT BOARD,  
hereinafter called the "Nepean Board",

—and—

COLLEGIATE INSTITUTE BOARD OF OTTAWA,  
hereinafter called the "Ottawa Board".

WHEREAS the Ottawa Board did, on the twenty-third day of November, 1959, notify by letter the Nepean Board that, effective July 1, 1962, the Ottawa Board would not be in a position to accommodate all of the Nepean Township students.

AND WHEREAS the Nepean Board is planning to erect secondary schools situate in the Township of Nepean in the County of Carleton, the first of which, with its fixtures, equipment and site is hereinafter referred to as "Bell High School".

AND WHEREAS it has been agreed between the parties hereto that the Ottawa Board will operate Bell High School and others in the same manner in which it operates its own secondary schools in the City of Ottawa.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the terms and conditions hereinafter contained the parties hereto mutually agree as follows:

1. The lands upon which the Bell High School and others are to be erected and the buildings constructed upon such lands by the Nepean Board and any furniture and equipment purchased by the Nepean Board in connection with such Bell High School and others shall be and remain vested in and be the property of the Nepean Board.

2. The Nepean Board agrees to erect Bell High School and others in accordance with plans and specifications to be approved by the Minister, a copy of which will be filed with the Ottawa Board, and to supply and install such furniture, equipment and services as are necessary for proper operation and uniform in quality, quantity, and kind with those in Ottawa secondary schools, and to fence, landscape and prepare the school sites suitably. It is agreed that the Bell High School will be ready to open on the first day of September, 1962.

3. Upon completion of any high school as aforesaid, the Ottawa Board shall staff, operate and maintain it, and except as otherwise provided in this agreement, shall do so in accordance with the standard policies of the Ottawa Board in respect of its secondary schools in the City of Ottawa as if the Bell High School and others were under the jurisdiction of the Ottawa Board.

4. The Ottawa Board shall pay the current operation expenses of the Bell High School and others situate in the Township of Nepean, including the provision of staff and necessary supplies, the payment for heating and hydro, water and telephone services, and the carrying of insurance against damage including fire loss and public liability in the same manner and to the same extent as the Ottawa Board maintains in the City of Ottawa. The Nepean Board shall be so named in the policy or policies of insurance that it is adequately indemnified against any loss.

5. It is agreed that the Ottawa Board shall not pay any expenses in connection with the transportation of any pupils to the Bell High School or others or any taxes, assessments, local improvement rates, sewage charges or other rates or charges of any kind whatsoever which may be imposed directly or indirectly by the municipality in which the high school is situate.



6. The maintenance of any high school being the property of the Nepean Board, by the Ottawa Board, shall be so as to keep it in repair and in good condition as required through normal wear and tear, including all buildings, the site, furniture and equipment, and shall include the replacement of furniture and equipment as required through normal wear and tear provided that no structural changes shall be made by the Ottawa Board without the consent of the Nepean Board.

7. The Nepean Board shall maintain such high schools financially by paying to the Ottawa Board the cost of education of such pupils under the Nepean Board's jurisdiction as attend such schools. Such cost is to be paid in estimated monthly instalments during each current year and shall be calculated pursuant to subsection (2) of Section 70 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960 (as if this were an agreement under subsection (2) of Section 30 of this Act) except that in computing the total gross expenditures for the calendar year, capital expenditures for Ottawa Schools, out of current funds together with payment for principal and interest owned on debentures in respect to Ottawa Schools owned by the Ottawa Board, shall not be included.

8. The Ottawa Board and the Nepean Board shall discuss jointly on or before the fifteenth day of March, in each year, the allocation of pupils to the Nepean High Schools and the Nepean Board shall in accordance with such allocation set the boundaries for such high schools and report the same to the Ottawa Board on or before the 15th day of April in each year. Such boundaries shall be thereupon fixed and not changed without the consent in writing of both Boards. Subsection 2 and Subsection 3 (a) of Section 68 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960 shall not apply to the allocation of students to the Nepean High Schools.

9. The Nepean Board and the Ottawa Board shall meet in joint session on the first Tuesday in March, May and October in each year to discuss matters arising out of this Agreement.

10. The Nepean Board agrees that upon either Board giving notice of termination of this agreement as hereinafter provided, it shall undertake to engage on the then existing employment terms any members of the teaching and maintenance staff employed by the Ottawa Board at the Nepean High Schools at the date of the giving of the notice who wish to continue at such school after the expiration of this agreement.

11. Both Boards agree that in the finishing and equipping of the Nepean High Schools and in the planning, acquisition and equipping of any additional accommodation in connection therewith the equipment and facilities provided shall be such as to permit uniformity of operation and maintenance with those of Ottawa secondary schools.

12. All applications for rentals of the Nepean High Schools shall be first submitted to the Nepean Board for approval. If approved, applications shall then be presented to the Ottawa Board and the general policies, regulations and rates of the Ottawa Board as to granting of applications and as to administration of rentals in secondary schools shall apply. The Ottawa Board shall administer the rentals in all respects and shall retain any rental money received.

13. Unless terminated by mutual consent, this agreement shall remain in force until the thirtieth day of June, 1967, and will expire on such date if either Board has given notice of intention to terminate in writing to the other Board on or before the thirtieth day of June, 1966. If no such notice of intention to terminate has been given, this agreement shall continue in full force and effect from year to year thereafter, provided that one Board may on or before the thirtieth day of June in any year subsequent to 1967, give written notice to the other Board of its intention to terminate on the thirtieth day of June in the year following, whereupon this agreement shall expire upon the thirtieth day of June in such year following receipt of such notice.

14. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors.

15. The both Boards shall co-operate in taking the necessary steps to obtain a private Bill of the Legislative Assembly of the Province of Ontario validating this agreement and allowing amendments with the approval of The Minister of Education with all costs to be borne by the Nepean Board.

IN WITNESS WHEREOF the parties have hereunto set their corporate seal attested to by their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

Nepean Township School District  
Board of Trustees

(Corporate seal)

The Collegiate Institute Board of  
Ottawa.

(Corporate seal)

NEPEAN TOWNSHIP HIGH SCHOOL  
DISTRICT BOARD:

*Per:*

JOHN A. DAWSON,  
*Chairman.*

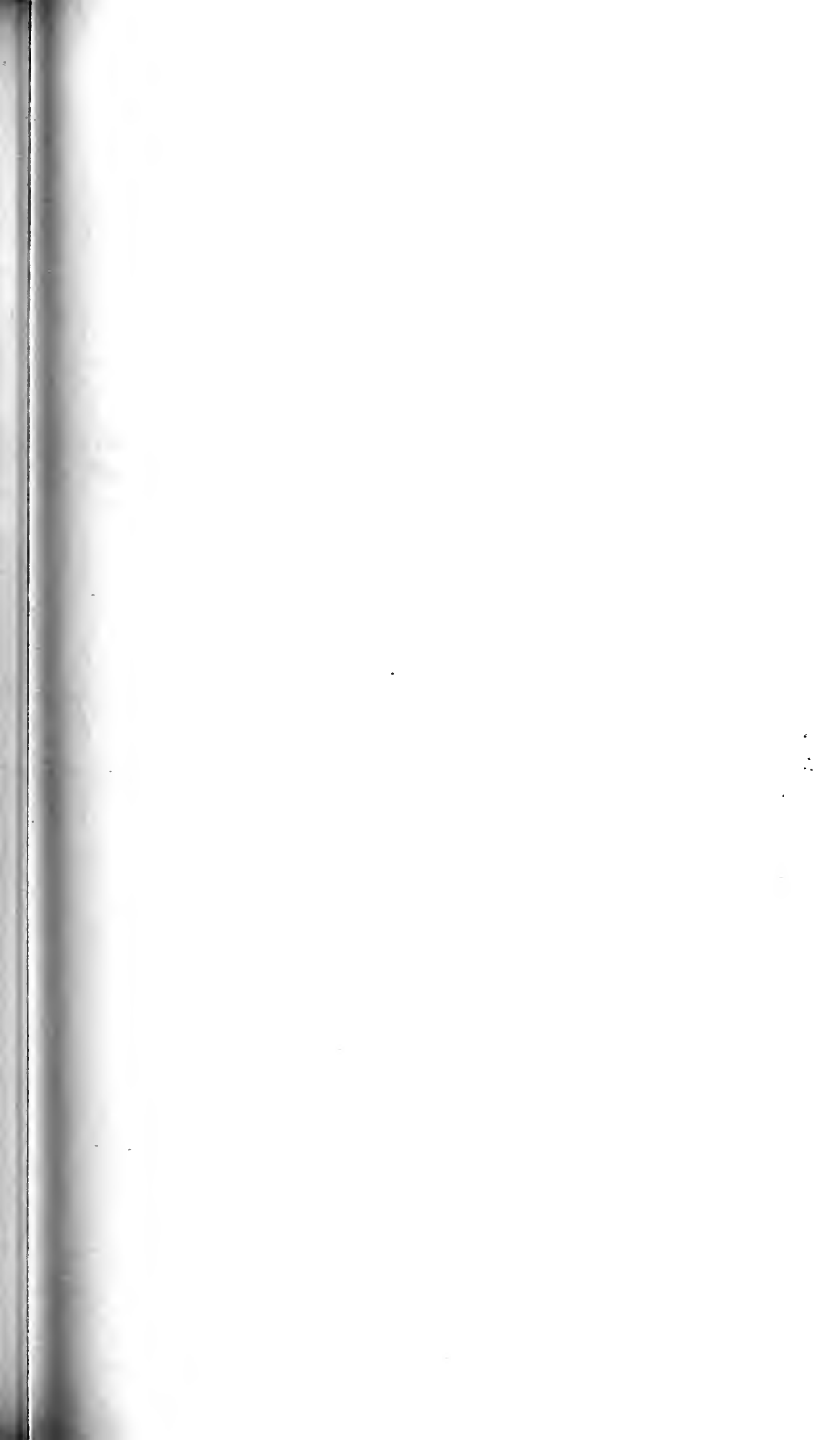
P. T. DIXON,  
*Secretary.*

COLLEGIATE INSTITUTE BOARD OF  
OTTAWA:

*Per:*

ALBERT B. ULLETT,  
*Chairman.*

FRANK G. PATTEN,  
*Secretary.*



An Act respecting The High School Board  
Collegiate Institute Board of  
the City of Ottawa

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*1st Reading*

November 30th, 1961

*2nd Reading*

*3rd Reading*

---

Mr. JOHNSTON (Carleton)

---

(*Private Bill*)

## **BILL Pr15**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**Act respecting The High School Board of the Township  
of Nepean and The Collegiate Institute Board of  
the City of Ottawa**

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**MR. JOHNSTON (Carleton)**

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THE UNIVERSITY OF CHICAGO

1900

BILL Pr15

1961-62

**An Act respecting The High School Board of  
the Township of Nepean and The Collegiate  
Institute Board of the City of Ottawa**

**W**HEREAS The High School Board of the Township of <sup>Preamble</sup>  
Nepean and The Collegiate Institute Board of the City  
of Ottawa by their petition have prayed for special legislation  
in respect of the matters hereinafter set forth; and whereas  
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The Agreement between The High School Board of the <sup>Agreement</sup>  
Township of Nepean and The Collegiate Institute Board of <sup>validated</sup>  
the City of Ottawa, dated the 15th day of May, 1961, set  
forth as the Schedule hereto, is confirmed and declared to be  
legal, valid and binding upon both boards, and both boards  
are hereby empowered to carry out all their respective obliga-  
tions that may arise thereunder.

**2.** The Agreement may be amended by mutual consent of <sup>Amendment</sup>  
both boards only with the approval of the Minister of <sup>of</sup> Agreement  
Education.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**4.** This Act may be cited as *The Nepean-Ottawa High* <sup>Short title</sup>  
*Schools Act, 1961-62.*

## SCHEDULE

THIS AGREEMENT made in duplicate the 15th day of May, A.D. 1961  
BETWEEN:

NEPEAN TOWNSHIP HIGH SCHOOL DISTRICT BOARD,  
hereinafter called the "Nepean Board",

—and—

COLLEGIATE INSTITUTE BOARD OF OTTAWA,  
hereinafter called the "Ottawa Board".

WHEREAS the Ottawa Board did, on the twenty-third day of November, 1959, notify by letter the Nepean Board that, effective July 1, 1962, the Ottawa Board would not be in a position to accommodate all of the Nepean Township students.

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AND WHEREAS it has been agreed between the parties hereto that the Ottawa Board will operate Bell High School and others in the same manner in which it operates its own secondary schools in the City of Ottawa.

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1. The lands upon which the Bell High School and others are to be erected and the buildings constructed upon such lands by the Nepean Board and any furniture and equipment purchased by the Nepean Board in connection with such Bell High School and others shall be and remain vested in and be the property of the Nepean Board.

2. The Nepean Board agrees to erect Bell High School and others in accordance with plans and specifications to be approved by the Minister, a copy of which will be filed with the Ottawa Board, and to supply and install such furniture, equipment and services as are necessary for proper operation and uniform in quality, quantity, and kind with those in Ottawa secondary schools, and to fence, landscape and prepare the school sites suitably. It is agreed that the Bell High School will be ready to open on the first day of September, 1962.

3. Upon completion of any high school as aforesaid, the Ottawa Board shall staff, operate and maintain it, and except as otherwise provided in this agreement, shall do so in accordance with the standard policies of the Ottawa Board in respect of its secondary schools in the City of Ottawa as if the Bell High School and others were under the jurisdiction of the Ottawa Board.

4. The Ottawa Board shall pay the current operation expenses of the Bell High School and others situate in the Township of Nepean, including the provision of staff and necessary supplies, the payment for heating and hydro, water and telephone services, and the carrying of insurance against damage including fire loss and public liability in the same manner and to the same extent as the Ottawa Board maintains in the City of Ottawa. The Nepean Board shall be so named in the policy or policies of insurance that it is adequately indemnified against any loss.

5. It is agreed that the Ottawa Board shall not pay any expenses in connection with the transportation of any pupils to the Bell High School or others or any taxes, assessments, local improvement rates, sewage charges or other rates or charges of any kind whatsoever which may be imposed directly or indirectly by the municipality in which the high school is situate.



6. The maintenance of any high school being the property of the Nepean Board, by the Ottawa Board, shall be so as to keep it in repair and in good condition as required through normal wear and tear, including all buildings, the site, furniture and equipment, and shall include the replacement of furniture and equipment as required through normal wear and tear provided that no structural changes shall be made by the Ottawa Board without the consent of the Nepean Board.

7. The Nepean Board shall maintain such high schools financially by paying to the Ottawa Board the cost of education of such pupils under the Nepean Board's jurisdiction as attend such schools. Such cost is to be paid in estimated monthly instalments during each current year and shall be calculated pursuant to subsection (2) of Section 70 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960 (as if this were an agreement under subsection (2) of Section 30 of this Act) except that in computing the total gross expenditures for the calendar year, capital expenditures for Ottawa Schools, out of current funds together with payment for principal and interest owned on debentures in respect to Ottawa Schools owned by the Ottawa Board, shall not be included.

8. The Ottawa Board and the Nepean Board shall discuss jointly on or before the fifteenth day of March, in each year, the allocation of pupils to the Nepean High Schools and the Nepean Board shall in accordance with such allocation set the boundaries for such high schools and report the same to the Ottawa Board on or before the 15th day of April in each year. Such boundaries shall be thereupon fixed and not changed without the consent in writing of both Boards. Subsection 2 and Subsection 3 (a) of Section 68 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960 shall not apply to the allocation of students to the Nepean High Schools.

9. The Nepean Board and the Ottawa Board shall meet in joint session on the first Tuesday in March, May and October in each year to discuss matters arising out of this Agreement.

10. The Nepean Board agrees that upon either Board giving notice of termination of this agreement as hereinafter provided, it shall undertake to engage on the then existing employment terms any members of the teaching and maintenance staff employed by the Ottawa Board at the Nepean High Schools at the date of the giving of the notice who wish to continue at such school after the expiration of this agreement.

11. Both Boards agree that in the finishing and equipping of the Nepean High Schools and in the planning, acquisition and equipping of any additional accommodation in connection therewith the equipment and facilities provided shall be such as to permit uniformity of operation and maintenance with those of Ottawa secondary schools.

12. All applications for rentals of the Nepean High Schools shall be first submitted to the Nepean Board for approval. If approved, applications shall then be presented to the Ottawa Board and the general policies, regulations and rates of the Ottawa Board as to granting of applications and as to administration of rentals in secondary schools shall apply. The Ottawa Board shall administer the rentals in all respects and shall retain any rental money received.

13. Unless terminated by mutual consent, this agreement shall remain in force until the thirtieth day of June, 1967, and will expire on such date if either Board has given notice of intention to terminate in writing to the other Board on or before the thirtieth day of June, 1966. If no such notice of intention to terminate has been given, this agreement shall continue in full force and effect from year to year thereafter, provided that one Board may on or before the thirtieth day of June in any year subsequent to 1967, give written notice to the other Board of its intention to terminate on the thirtieth day of June in the year following, whereupon this agreement shall expire upon the thirtieth day of June in such year following receipt of such notice.

14. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors.

15. The both Boards shall co-operate in taking the necessary steps to obtain a private Bill of the Legislative Assembly of the Province of Ontario validating this agreement and allowing amendments with the approval of The Minister of Education with all costs to be borne by the Nepean Board.

IN WITNESS WHEREOF the parties have hereunto set their corporate seal attested to by their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

Nepean Township School District  
Board of Trustees

(Corporate seal)

NEPEAN TOWNSHIP HIGH SCHOOL  
DISTRICT BOARD:

*Per:*

JOHN A. DAWSON,  
*Chairman.*

P. T. DIXON,  
*Secretary.*

COLLEGIATE INSTITUTE BOARD OF  
OTTAWA:

*Per:*

ALBERT B. ULLETT,  
*Chairman.*

FRANK G. PATTEN,  
*Secretary.*

The Collegiate Institute Board of  
Ottawa.

(Corporate seal)

THE CITY OF NEW YORK  
COUNTY OF NEW YORK

of the Township of Nepean and The  
Collegiate Institute Board of  
the City of Ottawa

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*1st Reading*

November 30th, 1961

*2nd Reading*

February 23rd, 1962

*3rd Reading*

March 12th, 1962

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Mr. JOHNSTON (Carleton)

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# **BILL Pr16**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the Town of Oakville**

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**MR. HALL**

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**(PRIVATE BILL)**

5/11

BILL Pr16

1961-62

## An Act respecting the Town of Oakville

**W**HEREAS The Corporation of the Town of Oakville <sup>Preamble</sup> and The Corporation of the Township of Trafalgar by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "cost" includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing any urban service, the cost of managing, operating and maintaining any urban service, the cost of any utility supplied and of any land, buildings and equipment necessary therefor, and the cost of the issue and sale of debentures and any discount allowed to the purchasers of them;
- (b) "Town" means the Town of Oakville as established on the 1st day of January, 1962, by order of the Ontario Municipal Board;
- (c) "urban service" means,
  - (i) the collection, transmission, treatment and disposal of sewage,
  - (ii) the collection, transmission and disposal of storm water,
  - (iii) the collection, removal, treatment and disposal of ashes, garbage and other refuse,
  - (iv) street lighting, and

- (v) the provision of a supply of water for fire purposes and other public uses from hydrants or otherwise, and the renting of hydrants;

(d) "urban service area" means all that part of the Town lying to the south of the Upper Middle Road from the east town-line to the west town-line or as altered from time to time under section 2.

Alteration  
of urban  
service area

**2.** The council of the Town may, by by-law passed by a vote of three-fourths of all the members of the council, alter the boundaries of the urban service area, but no such by-law shall take effect until it has been approved by the Ontario Municipal Board.

Cost of  
urban  
services

**3.** The aggregate amount of the sums necessary in each year to pay the cost of providing urban services in or for the benefit of any part of the urban service area, including the corporation's portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with the provision of any such service, except to the extent that such cost is raised by special assessments or rates under any general or special Act or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all the rateable property in the urban service area, and no part of such cost shall be levied on the part of the Town lying outside the urban service area.

R.S.O. 1960,  
c. 223

R.S.O. 1960,  
c. 249

Liabilities  
re water,  
sewers, etc.

**4.** All liabilities of the Town in respect of water, sanitary sewer, storm sewer, garbage and sanitation, and street lighting, which on the 31st day of December, 1961, were liabilities of the Township of Trafalgar in any special area in whole or in part within the urban service area, or which on that date were liabilities of the Town of Oakville, shall be discharged by the imposition of rates upon all the rateable property in the urban service area.

Application  
of Act to  
tax  
exemptions

**5.—(1)** Nothing herein affects any exemption or partial exemption from taxation or provision therefor in any general or special Act.

Application  
of  
R.S.O. 1960,  
c. 24, s. 37

**(2)** Section 37 of *The Assessment Act* applies to lands situated in the urban service area with respect to taxation or rates levied under or by virtue of this Act as if the urban service area were the whole municipality.

Rates in  
Town outside  
urban  
service area  
R.S.O. 1960,  
c. 223

**6.** Nothing herein prevents the council of the Town from imposing rates under *The Local Improvement Act* or any other general or special Act upon defined areas in the Town



outside the urban service area in respect of urban services provided to or for the benefit of any part of the Town outside the urban service area.

**7.** The council of the Town is authorized, by by-law, to appoint and employ a general administrative head, to be known as the Town Administrator or by such other name as the by-law determines, who shall have such general control and management of the administration of the Town's government and affairs and perform such duties as the council by by-law prescribes, and he shall be responsible for the efficient administration of all departments to the extent that he is given authority and control over them, and he shall hold office at the will and pleasure of the council and receive such salary as the council by by-law determines.

**8.** Subsection 3 of section 405 of *The Municipal Act* applies to the council of the Town as if it were the council of a county or a township.

Mileage allowance  
R.S.O. 1960,  
c. 249

**9.** The council of the Town may, by by-law, establish a force to patrol its harbours and waterfront for the purpose of ensuring the safety of persons using small boats, may appoint a committee to manage the force and may make grants of money to meet the expenses thereof.

Boat patrol

**10.** *The Oakville-Trafalgar Public Utilities Commission Act, 1960* is repealed.

1960, s. 157,  
repealed

**11.** This Act shall be deemed to have come into force on the 1st day of January, 1962.

Commencement

**12.** This Act may be cited as *The Town of Oakville Act, 1961-62*.

Short title





An Act respecting the Town of Oakville

*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

MR. HALL

(*Private Bill*)

# **BILL Pr16**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

---

## **An Act respecting the Town of Oakville**

---

**MR. HALL**

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*(Reprinted as amended by the Committee on Private Bills)*



BILL Pr16

1961-62

## An Act respecting the Town of Oakville

**W**HEREAS The Corporation of the Town of Oakville Preamble and The Corporation of the Township of Trafalgar by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "cost" includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing any urban service, the cost of managing, operating and maintaining any urban service, the cost of any utility supplied and of any land, buildings and equipment necessary therefor, and the cost of the issue and sale of debentures and any discount allowed to the purchasers of them;
- (b) "Town" means the Town of Oakville as established on the 1st day of January, 1962, by order of the Ontario Municipal Board;
- (c) "urban service" means,
  - (i) the collection, transmission, treatment and disposal of sewage,
  - (ii) the collection, transmission and disposal of storm water,
  - (iii) the collection, removal, treatment and disposal of ashes, garbage and other refuse,
  - (iv) street lighting, and

- (v) the provision of a supply of water for fire purposes and other public uses from hydrants or otherwise, and the renting of hydrants;

(d) "urban service area" means all that part of the Town lying to the south of the Upper Middle Road from the east town-line to the west town-line or as altered from time to time under section 2.

Alteration  
of urban  
service area

2. The council of the Town may, by by-law passed by a vote of three-fourths of all the members of the council, alter the boundaries of the urban service area, but no such by-law shall take effect until it has been approved by the Ontario Municipal Board.

Cost of  
urban  
services

3. The aggregate amount of the sums necessary in each year to pay the cost of providing urban services in or for the benefit of any part of the urban service area, including the corporation's portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with the provision of any such service, except to the extent that such cost is raised by special assessments or rates under any general or special Act or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all the rateable property in the urban service area, and no part of such cost shall be levied on the part of the Town lying outside the urban service area.

R.S.O. 1960,  
c. 223

R.S.O. 1960,  
c. 249

Liabilities  
re water,  
sewers, etc.

4. All liabilities of the Town in respect of water, sanitary sewer, storm sewer, garbage and sanitation, and street lighting, which on the 31st day of December, 1961, were liabilities of the Township of Trafalgar in any special area in whole or in part within the urban service area, or which on that date were liabilities of the Town of Oakville, shall be discharged by the imposition of rates upon all the rateable property in the urban service area.

Application  
of Act to  
tax  
exemptions

5.—(1) Nothing herein affects any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

Application  
of  
R.S.O. 1960,  
c. 24, s. 37

(2) Section 37 of *The Assessment Act* applies to lands situated in the urban service area with respect to taxation or rates levied under or by virtue of this Act as if the urban service area were the whole municipality.

Rates in  
Town outside  
urban  
service area  
R.S.O. 1960,  
c. 223

6. Nothing herein prevents the council of the Town from imposing rates under *The Local Improvement Act* or any other general or special Act upon defined areas in the Town



outside the urban service area in respect of urban services provided to or for the benefit of any part of the Town outside the urban service area.

7. Subsection 3 of section 405 of *The Municipal Act* <sup>Mileage allowance</sup> applies to the council of the Town as if it were the council of <sup>R.S.O. 1960,</sup> a county or a township. <sup>c. 249</sup>

8. The council of the Town may, by by-law, establish a <sup>Boat</sup> force to patrol its harbours and waterfront for the purpose <sup>patrol</sup> of ensuring the safety of persons using small boats, may appoint a committee to manage the force and may make grants of money to meet the expenses thereof.

9. *The Oakville-Trafalgar Public Utilities Commission Act*, <sup>1960, s. 157.</sup> 1960 is repealed. <sup>repealed</sup>

10. This Act shall be deemed to have come into force on <sup>Commence-</sup> the 1st day of January, 1962. <sup>ment</sup>

11. This Act may be cited as *The Town of Oakville Act*, <sup>Short title</sup> 1961-62.





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*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

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MR. HALL.

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*(Reprinted as amended by the  
Committee on Private Bills)*

# **BILL Pr16**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the Town of Oakville**

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**MR. HALL**

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BILL Pr16

1961-62

## An Act respecting the Town of Oakville

**W**HEREAS The Corporation of the Town of Oakville <sup>Preamble</sup> and The Corporation of the Township of Trafalgar by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "cost" includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing any urban service, the cost of managing, operating and maintaining any urban service, the cost of any utility supplied and of any land, buildings and equipment necessary therefor, and the cost of the issue and sale of debentures and any discount allowed to the purchasers of them;
- (b) "Town" means the Town of Oakville as established on the 1st day of January, 1962, by order of the Ontario Municipal Board;
- (c) "urban service" means,
  - (i) the collection, transmission, treatment and disposal of sewage,
  - (ii) the collection, transmission and disposal of storm water,
  - (iii) the collection, removal, treatment and disposal of ashes, garbage and other refuse,
  - (iv) street lighting, and

- (v) the provision of a supply of water for fire purposes and other public uses from hydrants or otherwise, and the renting of hydrants;

(d) "urban service area" means all that part of the Town lying to the south of the Upper Middle Road from the east town-line to the west town-line or as altered from time to time under section 2.

Alteration  
of urban  
service area

**2.** The council of the Town may, by by-law passed by a vote of three-fourths of all the members of the council, alter the boundaries of the urban service area, but no such by-law shall take effect until it has been approved by the Ontario Municipal Board.

Cost of  
urban  
services

R.S.O. 1960,  
c. 223

R.S.O. 1960,  
c. 249

**3.** The aggregate amount of the sums necessary in each year to pay the cost of providing urban services in or for the benefit of any part of the urban service area, including the corporation's portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with the provision of any such service, except to the extent that such cost is raised by special assessments or rates under any general or special Act or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all the rateable property in the urban service area, and no part of such cost shall be levied on the part of the Town lying outside the urban service area.

Liabilities  
re water,  
sewers, etc.

**4.** All liabilities of the Town in respect of water, sanitary sewer, storm sewer, garbage and sanitation, and street lighting, which on the 31st day of December, 1961, were liabilities of the Township of Trafalgar in any special area in whole or in part within the urban service area, or which on that date were liabilities of the Town of Oakville, shall be discharged by the imposition of rates upon all the rateable property in the urban service area.

Application  
of Act to  
tax  
exemptions

**5.—(1)** Nothing herein affects any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

Application  
of  
R.S.O. 1960,  
c. 24, s. 37

**(2)** Section 37 of *The Assessment Act* applies to lands situated in the urban service area with respect to taxation or rates levied under or by virtue of this Act as if the urban service area were the whole municipality.

Rates in  
Town outside  
urban  
service area  
R.S.O. 1960,  
c. 223

**6.** Nothing herein prevents the council of the Town from imposing rates under *The Local Improvement Act* or any other general or special Act upon defined areas in the Town



outside the urban service area in respect of urban services provided to or for the benefit of any part of the Town outside the urban service area.

**7.** Subsection 3 of section 405 of *The Municipal Act* applies to the council of the Town as if it were the council of a county or a township. Mileage allowance R.S.O. 1960, c. 249

**8.** The council of the Town may, by by-law, establish a force to patrol its harbours and waterfront for the purpose of ensuring the safety of persons using small boats, may appoint a committee to manage the force and may make grants of money to meet the expenses thereof. Boat patrol

**9.** *The Oakville-Trafalgar Public Utilities Commission Act, 1960* is repealed. 1960, c. 157, repealed

**10.** This Act shall be deemed to have come into force on the 1st day of January, 1962. Commencement

**11.** This Act may be cited as *The Town of Oakville Act, 1961-62*. Short title

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*1st Reading*

December 7th, 1961

*2nd Reading*

March 1st, 1962

*3rd Reading*

March 20th, 1962

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MR. HALL

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**BILL Pr17**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting the City of Ottawa**

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**MR. MORROW**

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**(PRIVATE BILL)**



BILL Pr17

1961-62

## An Act respecting the City of Ottawa

**W**HEREAS The Corporation of the City of Ottawa, <sup>Preamble</sup> herein called the Corporation, by its petition has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may pass by-laws for the expropriation by the Corporation of all or part of the land described in Schedule A hereto, and for the sale thereof <sup>Expro-  
priation  
of certain  
land  
authorized</sup> for redevelopment by the erection of a building or buildings providing for off-street parking accommodation, shopping and other commercial facilities and hotel accommodation, including a convention hall.

2.—(1) The council of the Corporation may pass by-laws <sup>Agreement  
re water  
works  
authorized</sup> for entering into agreement with one or more adjacent municipalities for,

- (a) a supply of water to the adjacent municipality from the water works of the Corporation;
- (b) the operation by the Corporation of the water works system of the adjacent municipality;
- (c) the construction by the Corporation of a booster pumping station or booster pumping stations in the adjacent municipality;
- (d) the assumption by the Corporation of the outstanding indebtedness incurred by the adjacent municipality in respect of any existing booster pumping station or booster pumping stations,

upon such terms and conditions as may be agreed upon.

Collection  
of charges

(2) All charges for water, supplied to the owners or occupants of land in the adjoining municipality by the Corporation under an agreement referred to in subsection 1, may be entered on the tax roll of the municipality in which the land is situate and collected in the same manner with the same penalties and interest and with the same remedies as provided or authorized by *The Assessment Act* for the collection of real property taxes.

R.S.O. 1960,  
c. 23Agreement  
confirmed

3. The agreement dated the 24th day of March, 1961, between The Corporation of the City of Ottawa and The Corporation of the County of Carleton, set forth as Schedule B hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto, the ratepayers of the City of Ottawa and of the County of Carleton and all other persons affected thereby.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

## Short title

5. This Act may be cited as *The City of Ottawa Act, 1961-62*.



## SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa in the County of Carleton bounded on the north by the southerly limit of Sparks Street; bounded on the west by the easterly limit of Bank Street; bounded on the south by the northerly limit of Queen Street; and bounded on the east by a line drawn parallel to and 12.14 feet measured perpendicularly westerly from the easterly limit of Lot 10 on the said southerly limit of Sparks Street (numbering eastward) and a line drawn parallel to and 13.35 feet measured perpendicularly westerly from the easterly limit of Lot 10 on the said northerly limit of Queen Street (numbering eastward), as shown on plans registered in the Registry Office for the Registry Division of the City of Ottawa as Numbers 3922 and 5001.

## SCHEDULE B

AN AGREEMENT made in duplicate the 24th day of March, 1961.

BETWEEN:

THE CORPORATION OF THE CITY OF OTTAWA,  
hereinafter called the "City",

OF THE FIRST PART,

— and —

THE CORPORATION OF THE COUNTY OF CARLETON,  
hereinafter called the "County",

OF THE SECOND PART.

WHEREAS by an agreement dated the 20th day of March, 1950 entered into between the City and the County confirmed and declared to be legal, valid and binding by subsection 2 of section 1 of *The City of Ottawa Act, 1950* (Statutes of Ontario, 1950, Chapter 109) the City and the County agreed that for a period of five years from and after the 1st day of January, 1950, all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa and of land situate within the limits of the Registry Division of the County of Carleton, should be paid as therein set forth;

AND WHEREAS by an agreement dated the 7th day of February, 1955 entered into between the City and the County confirmed and declared to be legal, binding and valid by section 2 of *The City of Ottawa Act, 1955* (Statutes of Ontario, 1955, Chapter 108) the City and the County agreed to renew the said agreement dated the 20th day of March, 1950 for a period of five years ending on the 31st day of December, 1959;

AND WHEREAS the City and the County have agreed to renew the said agreement as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. Notwithstanding the provisions of section 113 of *The Registry Act*, all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa shall be paid to the Treasurer of the City and all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the County of Carleton shall be paid to the Treasurer of the County.

2. This agreement shall have effect from the 1st day of January, 1960 and shall remain in effect until the 31st day of December, 1965.

IN WITNESS WHEREOF the City has hereunto affixed its corporate seal under the hands of its Mayor and Clerk and the County has hereunto affixed its corporate seal under the hands of its Warden and Clerk-Treasurer.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY  
OF OTTAWA:]

LLOYD FRANCIS,  
*Acting Mayor.*

A. T. HASTEY,  
*Clerk.*

THE CORPORATION OF THE COUNTY  
OF CARLETON:

[Seal]

W. H. BRUNETTE

J. A. BOYD,  
*Warden.*

H. E. COLDREY,  
*Clerk-Treasurer.*

*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

MR. MORROW

(*Private Bill*)

# **BILL Pr17**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the City of Ottawa**

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**MR. MORROW**

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*(Reprinted as amended by the Committee on Private Bills)*

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**TORONTO**  
**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

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Chapman, 1894

(Ref: 1894)

PRINTED

BILL Pr17

1961-62

## An Act respecting the City of Ottawa

**W**HEREAS The Corporation of the City of Ottawa, Preamble  
 herein called the Corporation, by its petition has  
 prayed for special legislation in respect of the matters herein-  
 after set forth; and whereas it is expedient to grant the prayer  
 of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1.—(1) The council of the Corporation may pass by-laws Agreement  
re water  
works  
authorized  
 for entering into agreement with one or more adjacent  
 municipalities for,

- (a) a supply of water to the adjacent municipality from  
 the water works of the Corporation;
- (b) the operation by the Corporation of the water works  
 system of the adjacent municipality;
- (c) the construction by the Corporation of a booster  
 pumping station or booster pumping stations in the  
 adjacent municipality;
- (d) the assumption by the Corporation of the outstanding  
 indebtedness incurred by the adjacent municipality  
 in respect of any existing booster pumping station  
 or booster pumping stations,

upon such terms and conditions as may be agreed upon.

(2) All charges for water, supplied to the owners or occu- Collection  
of charges  
 pants of land in the adjoining municipality by the Corporation  
 under an agreement referred to in subsection 1, may be  
 entered on the tax roll of the municipality in which the land  
 is situate and collected in the same manner with the same  
 penalties and interest and with the same remedies as provided  
 or authorized by *The Assessment Act* for the collection of real R.S.O. 1960,  
c. 23  
 property taxes.

Agreement  
confirmed

**2.** The agreement dated the 24th day of March, 1961, between The Corporation of the City of Ottawa and The Corporation of the County of Carleton, set forth as Schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto, the ratepayers of the City of Ottawa and of the County of Carleton and all other persons affected thereby.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The City of Ottawa Act, 1961-62*.



## SCHEDULE A

AN AGREEMENT made in duplicate the 24th day of March, 1961.

BETWEEN:

THE CORPORATION OF THE CITY OF OTTAWA,  
hereinafter called the "City",

OF THE FIRST PART,

— and —

THE CORPORATION OF THE COUNTY OF CARLETON,  
hereinafter called the "County",

OF THE SECOND PART.

WHEREAS by an agreement dated the 20th day of March, 1950 entered into between the City and the County confirmed and declared to be legal, valid and binding by subsection 2 of section 1 of *The City of Ottawa Act, 1950* (Statutes of Ontario, 1950, Chapter 109) the City and the County agreed that for a period of five years from and after the 1st day of January, 1950, all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa and of land situate within the limits of the Registry Division of the County of Carleton, should be paid as therein set forth;

AND WHEREAS by an agreement dated the 7th day of February, 1955 entered into between the City and the County confirmed and declared to be legal, binding and valid by section 2 of *The City of Ottawa Act, 1955* (Statutes of Ontario, 1955, Chapter 108) the City and the County agreed to renew the said agreement dated the 20th day of March, 1950 for a period of five years ending on the 31st day of December, 1959;

AND WHEREAS the City and the County have agreed to renew the said agreement as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. Notwithstanding the provisions of section 113 of *The Registry Act*, all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa shall be paid to the Treasurer of the City and all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the County of Carleton shall be paid to the Treasurer of the County.

2. This agreement shall have effect from the 1st day of January, 1960 and shall remain in effect until the 31st day of December, 1965.

IN WITNESS WHEREOF the City has hereunto affixed its corporate seal under the hands of its Mayor and Clerk and the County has hereunto affixed its corporate seal under the hands of its Warden and Clerk-Treasurer.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY  
OF OTTAWA:

LLOYD FRANCIS,  
*Acting Mayor.*

A. T. HASTEY,  
*Clerk.*

THE CORPORATION OF THE COUNTY  
OF CARLETON:

[Seal]

W. H. BRUNETTE

J. A. BOYD,  
*Warden.*

H. E. COLDREY,  
*Clerk-Treasurer.*

14-8-006

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*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

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MR. MORROW

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*(Reprinted as amended by the  
Committee on Private Bills)*

# **BILL Pr17**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the City of Ottawa**

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**MR. MORROW**

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11

*(continued)*

BILL Pr17

1961-62

## An Act respecting the City of Ottawa

**W**HEREAS The Corporation of the City of Ottawa, Preamble  
 herein called the Corporation, by its petition has  
 prayed for special legislation in respect of the matters herein-  
 after set forth; and whereas it is expedient to grant the prayer  
 of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

**1.—(1)** The council of the Corporation may pass by-laws Agreement  
re water  
works  
authorized  
 for entering into agreement with one or more adjacent  
 municipalities for,

- (a) a supply of water to the adjacent municipality from  
 the water works of the Corporation;
- (b) the operation by the Corporation of the water works  
 system of the adjacent municipality;
- (c) the construction by the Corporation of a booster  
 pumping station or booster pumping stations in the  
 adjacent municipality;
- (d) the assumption by the Corporation of the outstanding  
 indebtedness incurred by the adjacent municipality  
 in respect of any existing booster pumping station  
 or booster pumping stations,

upon such terms and conditions as may be agreed upon.

**(2)** All charges for water, supplied to the owners or occu- Collection  
of charges  
 pants of land in the adjoining municipality by the Corporation  
 under an agreement referred to in subsection 1, may be  
 entered on the tax roll of the municipality in which the land  
 is situate and collected in the same manner with the same  
 penalties and interest and with the same remedies as provided  
 or authorized by *The Assessment Act* for the collection of real R.S.O. 1960,  
c. 23  
 property taxes.

Agreement  
confirmed

2. The agreement dated the 24th day of March, 1961, between The Corporation of the City of Ottawa and The Corporation of the County of Carleton, set forth as Schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto, the ratepayers of the City of Ottawa and of the County of Carleton and all other persons affected thereby.

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Ottawa Act, 1961-62*.



## SCHEDULE A

AN AGREEMENT made in duplicate the 24th day of March, 1961.

BETWEEN:

THE CORPORATION OF THE CITY OF OTTAWA,  
hereinafter called the "City",

OF THE FIRST PART,

— and —

THE CORPORATION OF THE COUNTY OF CARLETON,  
hereinafter called the "County",

OF THE SECOND PART.

WHEREAS by an agreement dated the 20th day of March, 1950 entered into between the City and the County confirmed and declared to be legal, valid and binding by subsection 2 of section 1 of *The City of Ottawa Act, 1950* (Statutes of Ontario, 1950, Chapter 109) the City and the County agreed that for a period of five years from and after the 1st day of January, 1950, all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa and of land situate within the limits of the Registry Division of the County of Carleton, should be paid as therein set forth;

AND WHEREAS by an agreement dated the 7th day of February, 1955 entered into between the City and the County confirmed and declared to be legal, binding and valid by section 2 of *The City of Ottawa Act, 1955* (Statutes of Ontario, 1955, Chapter 108) the City and the County agreed to renew the said agreement dated the 20th day of March, 1950 for a period of five years ending on the 31st day of December, 1959;

AND WHEREAS the City and the County have agreed to renew the said agreement as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. Notwithstanding the provisions of section 113 of *The Registry Act*, all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa shall be paid to the Treasurer of the City and all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the County of Carleton shall be paid to the Treasurer of the County.

2. This agreement shall have effect from the 1st day of January, 1960 and shall remain in effect until the 31st day of December, 1965.

IN WITNESS WHEREOF the City has hereunto affixed its corporate seal under the hands of its Mayor and Clerk and the County has hereunto affixed its corporate seal under the hands of its Warden and Clerk-Treasurer.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY  
OF OTTAWA:

LLOYD FRANCIS,  
*Acting Mayor.*

A. T. HASTEY,  
*Clerk.*

THE CORPORATION OF THE COUNTY  
OF CARLETON:

[Seal]

W. H. BRUNETTE

J. A. BOYD,  
*Warden.*

H. E. COLDREY,  
*Clerk-Treasurer.*



An Act respecting the City of Ottawa

*1st Reading*

December 7th, 1961

*2nd Reading*

March 12th, 1962

*3rd Reading*

March 30th, 1962

MR. MORROW

# **BILL Pr18**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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## **An Act respecting the Township of Nepean**

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MR. JOHNSTON (Carleton)

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(PRIVATE BILL)



## An Act respecting the Township of Nepean

**W**HEREAS The Corporation of the Township of Nepean <sup>Preamble</sup> by its petition has prayed for special legislation to amend *The Township of Nepean Act, 1929* to permit the Corporation to acquire sewage systems and sewage disposal works and water works systems as hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Township of Nepean Act, 1929* is <sup>1929, c. 108, s. 2,</sup> amended by inserting after "to" in the fourth line and in the seventh line "acquire" in each instance, so that the section shall read as follows:

2. The council of the township of Nepean may from time to time pass by-laws to set apart and establish <sup>Establishment of sewer and water areas</sup> as a sewer area or as a water area any portion of the township described in such by-law, and to acquire, construct, enlarge, extend, improve and operate sewerage systems and sewage disposal works within or outside of any sewer area or areas to serve such sewer area or one or more sewer areas or lands situate therein, and to acquire, construct, enlarge, extend, improve and operate waterworks systems within or outside of any water area or areas to serve such water area or one or more water areas or lands situate therein.

2. Section 3 of *The Township of Nepean Act, 1929* is <sup>1929, c. 108, s. 3,</sup> amended by inserting after "the" where it occurs the second <sup>amended</sup> time in the first line "acquisition", so that the section shall read as follows:

3. The entire cost of the acquisition, construction, enlargement, extension, improvement, operation, maintenance, management and repair of any such <sup>How cost to be assessed</sup>

R.S.O. 1960,  
c. 223,

sewerage systems or sewage disposal works or of any such waterworks systems, save and except such works as are undertaken pursuant to the provisions of *The Local Improvement Act* as hereinafter provided, shall be assessed upon all the rateable property in the area or areas to serve which such works have been undertaken, provided that where such works are undertaken to serve more than one area the council shall by by-law determine the portion of the cost thereof to be borne by each of such areas, and the revenues arising from the operation of any such work shall form a special fund for the use of the area or areas to serve which such work has been undertaken in such manner that the revenue from any work shall be allocated to the area or areas in the same proportion as they contribute to the cost of its construction.

1929, c. 108,  
s. 10,  
subs. 1,  
re-enacted

**3.** Subsection 1 of section 10 of *The Township of Nepean Act, 1929* is repealed and the following substituted therefor:

Agreements  
with other  
municipal-  
ities as  
to sewage  
disposal  
works

- (1) The council of the township of Nepean may enter into agreements with any other municipality or municipalities and any other municipality or municipalities may enter into agreements with the township of Nepean for the acquisition, construction, enlargement, extension, improvement, operation and maintenance of sewage disposal works, plant, appliances and accessories in connection therewith for the joint use of any sewer area or areas and such other municipality or municipalities, and the portion of the cost of the acquisition, construction, enlargement, improvement and extension of such works and of the operation and maintenance thereof payable by the corporation of the township of Nepean as fixed by such agreements shall be levied upon all the rateable property in such sewer area or areas as the case may be, as provided in section 3 hereof, and the revenue payable to the township under any such agreement shall be credited to the sewer area which has been charged with the cost of acquiring, constructing, extending, operating and maintaining the said works, or, if more than one area, then to such areas in proportion to their respective shares of the cost of such acquisition, construction, enlargement, improvement, extension, operation and maintenance.

1929, c. 108,  
s. 11,  
amended

**4.** Section 11 of *The Township of Nepean Act, 1929* is amended by inserting after "systems" in the fifth line "acquired", so that the section shall read as follows:



11. The municipal corporation of the township of Nepean may enter into agreements and contracts with any other municipal corporation or corporations for a supply of water to serve the sewers and sewerage systems and waterworks systems acquired, constructed, maintained and operated under the authority of this Act and all costs, charges and expenses in connection therewith may be levied on all the rateable property in the area benefitted thereby or, if in more than one area, then on all the rateable property in such areas in such proportions as the council may by by-law determine.

5. Section 14 of *The Township of Nepean Act, 1929* is repealed.

1929, c. 108,  
s. 14,  
repealed

6. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

7. This Act may be cited as *The Township of Nepean Act, 1961-62 (No. 2)*.

Short title





the Township of Nepean

*1st Reading*

*2nd Reading*

*3rd Reading*

MR. JOHNSTON (Carleton)

*(Private Bill)*

**BILL Pr18**



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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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**An Act respecting the Township of Nepean**

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MR. JOHNSTON (Carleton)

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7 10A PA

14 10/10/10

10 10/10/10

BILL Pr18

1961-62

## An Act respecting the Township of Nepean

**W**HEREAS The Corporation of the Township of Nepean <sup>Preamble</sup> by its petition has prayed for special legislation to amend *The Township of Nepean Act, 1929* to permit the Corporation to acquire sewage systems and sewage disposal works and water works systems as hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Township of Nepean Act, 1929* is <sup>1929, c. 108,</sup> amended by inserting after "to" in the fourth line and in the <sup>s. 2,</sup> amended seventh line "acquire" in each instance, so that the section shall read as follows:

2. The council of the township of Nepean may from <sup>Establish-</sup> time to time pass by-laws to set apart and establish <sup>ment of</sup> as a sewer area or as a water area any portion of the township described in such by-law, and to acquire, construct, enlarge, extend, improve and operate sewerage systems and sewage disposal works within or outside of any sewer area or areas to serve such sewer area or one or more sewer areas or lands situate therein, and to acquire, construct, enlarge, extend, improve and operate waterworks systems within or outside of any water area or areas to serve such water area or one or more water areas or lands situate therein.

2. Section 3 of *The Township of Nepean Act, 1929* is <sup>1929, c. 108,</sup> amended by inserting after "the" where it occurs the second <sup>s. 3,</sup> amended time in the first line "acquisition", so that the section shall read as follows:

3. The entire cost of the acquisition, construction, en- <sup>How cost</sup> largement, extension, improvement, operation, main- <sup>to be</sup> tenance, management and repair of any such <sup>assessed</sup>

R.S.O. 1960,  
c. 223,

sewerage systems or sewage disposal works or of any such waterworks systems, save and except such works as are undertaken pursuant to the provisions of *The Local Improvement Act* as hereinafter provided, shall be assessed upon all the rateable property in the area or areas to serve which such works have been undertaken, provided that where such works are undertaken to serve more than one area the council shall by by-law determine the portion of the cost thereof to be borne by each of such areas, and the revenues arising from the operation of any such work shall form a special fund for the use of the area or areas to serve which such work has been undertaken in such manner that the revenue from any work shall be allocated to the area or areas in the same proportion as they contribute to the cost of its construction.

1929, c. 108,  
s. 10,  
subs. 1,  
re-enacted

**3.** Subsection 1 of section 10 of *The Township of Nepean Act, 1929* is repealed and the following substituted therefor:

Agreements  
with other  
municipalities as  
to sewage  
disposal  
works

- (1) The council of the township of Nepean may enter into agreements with any other municipality or municipalities and any other municipality or municipalities may enter into agreements with the township of Nepean for the acquisition, construction, enlargement, extension, improvement, operation and maintenance of sewage disposal works, plant, appliances and accessories in connection therewith for the joint use of any sewer area or areas and such other municipality or municipalities, and the portion of the cost of the acquisition, construction, enlargement, improvement and extension of such works and of the operation and maintenance thereof payable by the corporation of the township of Nepean as fixed by such agreements shall be levied upon all the rateable property in such sewer area or areas as the case may be, as provided in section 3 hereof, and the revenue payable to the township under any such agreement shall be credited to the sewer area which has been charged with the cost of acquiring, constructing, extending, operating and maintaining the said works, or, if more than one area, then to such areas in proportion to their respective shares of the cost of such acquisition, construction, enlargement, improvement, extension, operation and maintenance.

1929, c. 108,  
s. 11,  
amended

**4.** Section 11 of *The Township of Nepean Act, 1929* is amended by inserting after "systems" in the fifth line "acquired", so that the section shall read as follows:



11. The municipal corporation of the township of Nepean may enter into agreements and contracts with any other municipal corporation or corporations for a supply of water to serve the sewers and sewerage systems and waterworks systems acquired, constructed, maintained and operated under the authority of this Act and all costs, charges and expenses in connection therewith may be levied on all the rateable property in the area benefitted thereby or, if in more than one area, then on all the rateable property in such areas in such proportions as the council may by by-law determine.

5. Section 14 of *The Township of Nepean Act, 1929* is repealed. 1929, c. 108,  
s. 14,  
repealed

6. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

7. This Act may be cited as *The Township of Nepean Act, 1961-62* (No. 2). Short title

2. Sec. 1  
reported.

Q. This is  
Assent.

7. This is  
1901-02 (1901-02)



the Township of Nepean

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*1st Reading*

March 5th, 1962

*2nd Reading*

April 2nd, 1962

*3rd Reading*

April 17th, 1962

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Mr. JOHNSTON (Carleton)

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# **BILL Pr19**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

---

## **An Act respecting the City of Windsor**

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MR. REAUME

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(PRIVATE BILL)



BILL Pr19

1961-62

## An Act respecting the City of Windsor

**W**HEREAS The Corporation of the City of Windsor by <sup>Preamble</sup> its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 10 of *The City of Windsor Act, 1946*, as re-enacted by section 1 of *The City of Windsor Act, 1955*, is amended by relettering clauses *a* and *b* as clauses *c* and *d* and by adding thereto the following clauses: <sup>1946, c. 145, s. 10 (1955, c. 119, s. 1), subs. 1, amended</sup>

(a) "Council" means the council of The Corporation of the City of Windsor;

(b) "County Council" means the council of The Corporation of the County of Essex.

(2) Clause *b* of subsection 3 of the said section 10 is repealed and the following substituted therefor: <sup>1946, c. 145, s. 10 (1955, c. 119, s. 1), subs. 3, cl. b, re-enacted</sup>

(b) two governors who shall be the members of the medical staff prescribed by the regulations under *The Public Hospitals Act*. <sup>R.S.O. 1960, c. 322</sup>

(3) Subsection 3 of the said section 10 is amended by adding thereto the following clause: <sup>1946, c. 145, s. 10 (1955, c. 119, s. 1), subs. 3, amended</sup>

(e) one governor to be appointed by the County Council who shall be a member of that council, other than the warden.

(4) Subsection 4 of the said section 10 is amended by striking out "clauses *a*, *c* and *d*" in the second line and inserting in lieu thereof "clauses *a*, *c*, *d* and *e*", so that the subsection shall read as follows: <sup>1946, c. 145, s. 10 (1955, c. 119, s. 1), subs. 4, amended</sup>

Term of  
office

(4) Subject to subsection 5, governors appointed under clauses *a*, *c*, *d* and *e* of subsection 3 shall hold office for a term of three years.

1946, c. 145,  
s. 10 (1955,  
c. 119, s. 1),  
subs. 6,  
amended

(5) Subsection 6 of the said section 10 is amended by adding thereto the following clause:

(c) by the County Council under clause *e* of subsection 3 shall cease to hold office when he ceases to be a member of that council.

Ambulance

**2.** The Corporation of the City of Windsor is authorized and empowered to provide, maintain or hire an ambulance or carriage for the conveyance of indigent persons or persons in the care and custody of the Police Department of the City of Windsor suffering from disease or accident, and to pay the expenses of conveying therein any such persons to a hospital or other place.

Lands  
vested in  
Corporation

**3.** The lands described in the Schedule hereto are hereby vested in The Corporation of the City of Windsor in fee simple, clear of and free from all right, title and interest other than that of the Corporation.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The City of Windsor Act, 1961-62*.



## SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land, situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario, and containing by admeasurement five thousand five hundred and eighteen square feet (5,518 sq. ft.) more or less, being composed of a part of Lot No. Two (2), according to Registered Plan No. 54, in the said City of Windsor and which said parcel of land is more particularly described as follows:

COMMENCING at a point in the eastern limit of Indian Road, distant fifty feet (50'), measured on a course of South twenty-eight degrees East (S. 28° E.), magnetically, along said limit from the southwestern angle of Lot No. Forty-five (45), according to Registered Plan No. 1139; Thence South twenty-eight degrees East (S. 28° E.), magnetically, along the said eastern limit of Indian Road, forty-four feet and four inches (44' 4") to a point; Thence North sixty-one degrees East (N. 61° E.), magnetically, and parallel with the southern limit of said Lot No. Forty-five (45), one hundred and twenty-four feet and six inches (124' 6"), to a point; Thence North twenty-eight degrees West (N. 28° W.), magnetically, and parallel with the eastern limit of Indian Road, forty-four feet and four inches (44' 4"), to a point; Thence South sixty-one degrees West (S. 61° W.), magnetically, and parallel with the southern limit of said Lot No. Forty-five (45), one hundred and twenty-four feet and six inches (124' 6"), to the place of commencement.





AN ACT respecting the  
City of Windsor

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*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. REAUME

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(*Private Bill*)

# **BILL Pr19**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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**An Act respecting the City of Windsor**

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MR. REAUME

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na

1000

BILL Pr19

1961-62

## An Act respecting the City of Windsor

**W**HEREAS The Corporation of the City of Windsor by <sup>Preamble</sup> its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 10 of *The City of Windsor Act, 1946*, as re-enacted by section 1 of *The City of Windsor Act, 1955*, is amended by relettering clauses *a* and *b* as clauses *c* and *d* and by adding thereto the following clauses: <sup>1946, c. 145, s. 10 (1955, c. 119, s. 1), subs. 1, amended</sup>

(a) "Council" means the council of The Corporation of the City of Windsor;

(b) "County Council" means the council of The Corporation of the County of Essex.

(2) Clause *b* of subsection 3 of the said section 10 is repealed and the following substituted therefor: <sup>1946, c. 145, s. 10 (1955, c. 119, s. 1), subs. 3, cl. b, re-enacted</sup>

(b) two governors who shall be the members of the medical staff prescribed by the regulations under *The Public Hospitals Act*. <sup>R.S.O. 1960, c. 322</sup>

(3) Subsection 3 of the said section 10 is amended by adding thereto the following clause: <sup>1946, c. 145, s. 10 (1955, c. 119, s. 1), subs. 4, amended</sup>

(e) one governor to be appointed by the County Council who shall be a member of that council, other than the warden.

(4) Subsection 4 of the said section 10 is amended by striking out "clauses *a*, *c* and *d*" in the second line and inserting in lieu thereof "clauses *a*, *c*, *d* and *e*", so that the subsection shall read as follows: <sup>1946, c. 145, s. 10 (1955, c. 119, s. 1), subs. 4, amended</sup>

Term of  
office

- (4) Subject to subsection 5, governors appointed under clauses *a*, *c*, *d* and *e* of subsection 3 shall hold office for a term of three years.

1946, c. 145,  
s. 10 (1955,  
c. 119, s. 1),  
subs. 6,  
amended

- (5) Subsection 6 of the said section 10 is amended by adding thereto the following clause:

- (c) by the County Council under clause *e* of subsection 3 shall cease to hold office when he ceases to be a member of that council.

Ambulance

- 2.** The Corporation of the City of Windsor is authorized and empowered to provide, maintain or hire an ambulance or carriage for the conveyance of indigent persons or persons in the care and custody of the Police Department of the City of Windsor suffering from disease or accident, and to pay the expenses of conveying therein any such persons to a hospital or other place.

Lands  
vested in  
Corporation

- 3.** The lands described in the Schedule hereto are hereby vested in The Corporation of the City of Windsor in fee simple, clear of and free from all right, title and interest other than that of the Corporation.

Commence-  
ment

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** This Act may be cited as *The City of Windsor Act, 1961-62*.



## SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land, situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario, and containing by admeasurement five thousand five hundred and eighteen square feet (5,518 sq. ft.) more or less, being composed of a part of Lot No. Two (2), according to Registered Plan No. 54, in the said City of Windsor and which said parcel of land is more particularly described as follows:

COMMENCING at a point in the eastern limit of Indian Road, distant fifty feet (50'), measured on a course of South twenty-eight degrees East (S. 28° E.), magnetically, along said limit from the southwestern angle of Lot No. Forty-five (45), according to Registered Plan No. 1139; Thence South twenty-eight degrees East (S. 28° E.), magnetically, along the said eastern limit of Indian Road, forty-four feet and four inches (44' 4") to a point; Thence North sixty-one degrees East (N. 61° E.), magnetically, and parallel with the southern limit of said Lot No. Forty-five (45), one hundred and twenty-four feet and six inches (124' 6"), to a point; Thence North twenty-eight degrees West (N. 28° W.), magnetically, and parallel with the eastern limit of Indian Road, forty-four feet and four inches (44' 4"), to a point; Thence South sixty-one degrees West (S. 61° W.), magnetically, and parallel with the southern limit of said Lot No. Forty-five (45), one hundred and twenty-four feet and six inches (124' 6"), to the place of commencement.





An Act respecting the  
City of Windsor

---

*1st Reading*

December 7th, 1961

*2nd Reading*

March 1st, 1962

*3rd Reading*

March 20th, 1962

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MR. REAUME

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**BILL Pr20**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting  
the United Townships of Medora and Wood**

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**MR. BOYER**

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**(PRIVATE BILL)**

the 1st

BILL Pr20

1961-62

## An Act respecting the United Townships of Medora and Wood

**W**HEREAS The Corporation of the United Townships <sup>Preamble</sup>  
of Medora and Wood by its petition has prayed for  
special legislation in respect of the matters hereinafter set  
forth; and whereas it is expedient to grant the prayer of the  
petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

**1.** The United Townships of Medora and Wood are hereby <sup>Wards</sup>  
divided into three wards, as follows:

Ward 1 — As in Schedule A.

Ward 2 — As in Schedule B.

Ward 3 — As in Schedule C.

**2.—(1)** The council of the United Townships of Medora <sup>Composition</sup>  
and Wood shall consist of a reeve and six councillors. <sup>of council</sup>

**(2)** The reeve shall be elected by general vote of the united <sup>Reeve</sup>  
townships and shall hold office for a two-year term.

**(3)** Two councillors shall be elected by the electors of each <sup>Councillors</sup>  
ward to hold office for a two-year term.

**(4)** At the first election of councillors, the councillors <sup>First</sup>  
receiving the highest number of votes in each ward shall <sup>election</sup>  
hold office for a two-year term, and the remainder shall hold  
office for a one-year term.

**(5)** If at the first election the two trustees in each ward <sup>Idem</sup>  
receive an equal number of votes or are declared elected by  
acclamation, the affected councillors so elected may at the  
first meeting of the new council agree as to which of them  
shall remain in office for a two-year term and which for a  
one-year term, and failing agreement the question shall be

determined by lot cast by the clerk in the presence of the members, and in either case the result shall be entered in the minutes.

## Application

**3.** This Act applies to the municipal election to be held in the year 1962 and in each year thereafter.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

## Short title

**5.** This Act may be cited as *The United Townships of Medora and Wood Act, 1961-62*.



## SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the United Townships of Medora and Wood in the District of Muskoka, the limits of which are more particularly described as follows:—

COMMENCING at the northwest angle of the Township of Medora;

THENCE southerly along the westerly limit of the said Township to its intersection with a production westerly of the centre line of the road allowance between Concessions 4 and 5 for the said Township;

THENCE easterly along the centre line of the road allowance between Concessions 4 and 5 and the production easterly thereof to a point in Lake Joseph, measured easterly along the said production and distant 30 chains from its intersection with the division line between Lots 16 and 17, in Concession 4;

THENCE southeasterly through Lake Joseph on a straight line to a point on the southerly shore at its intersection with the division line between Concessions 3 and 4, at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the centre line of the road allowance between Lots 25 and 26;

THENCE southerly along the centre line of the said road allowance to the centre line of the road allowance between Concessions "E" and "F";

THENCE westerly along the centre line of the road allowance between said Concessions "E" and "F", to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Townships of Medora and Wood, at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between Lots 15 and 16, Concession 5, for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between Lots 30 and 31, in Concession "D" in the Township of Medora;

THENCE in a general northeasterly direction through Lake Muskoka following the geographical boundary between the said Townships of Medora and Wood and the boundary between Medora and Monck to its intersection with the north shore of Lake Muskoka being the most southeasterly angle of the Corporation Boundary of the Village of Port Carling;

THENCE northwesterly, northerly and southeasterly following the corporation boundary for the said Village of Port Carling to a point on the shore of Lake Rosseau at its intersection with the east boundary of the Township of Medora;

THENCE in a general northerly direction through Lake Rosseau following the eastern limit of the said Township of Medora to its intersection with the northerly limit of the said Township;

THENCE westerly along the northerly limit of the said Township to the point of commencement.

## SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the United Townships of Medora and Wood in the District of Muskoka, the limits of which are more particularly described as follows:—

COMMENCING at a point on the west boundary of the Township of Medora at its intersection with the production westerly of the centre line of the road allowance between Concessions 4 and 5 for the said Township;

THENCE easterly along the centre line of the said road allowance and the production easterly thereof to a point in Lake Joseph measured easterly along the said production being distant 30 chains from its intersection with the division line between Lots 16 and 17, Concession 4;

THENCE southeasterly through Lake Joseph along a straight line to a point on the southerly shore at its intersection with the division line between Concessions 3 and 4 at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the centre line of the road allowance between Lots 25 and 26;

THENCE southerly along the centre line of the said road allowance to the centre line of the road allowance between Concessions "E" and "F";

THENCE westerly along the centre line of the road allowance between Concessions "E" and "F" to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Townships of Medora and Wood, at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between Lots 15 and 16, Concession 5, for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between Lots 30 and 31, in Concession "D" in the Township of Medora;

THENCE southeasterly along the said connecting line to the shore of East Bay of Lake Muskoka;

THENCE southerly along the centre line of the road allowance between Lots 15 and 16 to its intersection with the centre line of the road allowance between Concessions 9 and 10 for the said Township of Wood;

THENCE westerly along the centre line of the road allowance between Concessions 9 and 10 and the production westerly thereof to its intersection with the western limit for the said Township of Wood;

THENCE northerly along the western limit of the said Township of Wood and the western limit of the said Township of Medora to the point of commencement.

SAVING AND EXCEPTING thereout and therefrom those lands lying within the Corporation Boundary of the Town of Bala.

## SCHEDULE C

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the United Townships of Medora and Wood, in the District of Muskoka, the limits of which are more particularly described as follows:—

COMMENCING at a point on the westerly boundary of the Township of Wood at its intersection with the production westerly of the centre line of the road allowance between Concessions 9 and 10 of the said Township;

THENCE easterly along the centre line of the said road allowance to the centre line of the road allowance between Lots 15 and 16;

THENCE northerly along the centre line of the road allowance between the said Lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between Lots 30 and 31 for the Township of Medora to its intersection with the geographical boundary between the Townships of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Townships of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the Townships of Wood and Muskoka;

THENCE in a general southeasterly, southerly and westerly direction following the boundary of the said Townships through Lake Muskoka to the most northwesterly angle for the said Township of Muskoka;

THENCE southerly along the eastern boundary of the said Township of Wood to its intersection with the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary for the said Township of Morrison to the northwest angle thereof;

THENCE southerly along the easterly boundary for the said Township of Wood being the westerly boundary of the said Township of Morrison to the southeast angle of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood being the centre line of the Severn River and the centre line of the Lost Channel of the Severn River to its intersection with the westerly limit of the said Township;

THENCE northerly along the western limit of the said Township being the easterly limit of the Township of Baxter and the Township of Gibson to the point of commencement.

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*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

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MR. BOYER

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(*Private Bill*)

# **BILL Pr21**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the City of Ottawa Separate School Board**

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**MR. MORIN**

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**(PRIVATE BILL)**

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**TORONTO**  
**PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

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BILL Pr21

1961-62

## An Act respecting the City of Ottawa Separate School Board

**W**HEREAS The Board of Trustees of the Roman Catholic Separate Schools for the City of Ottawa, herein called the Board, by its petition has represented that it is expedient to provide greater representation on the Board and for this purpose to reconstitute the Board so as to consist of ten, instead of nine, trustees; and whereas the petitioner has prayed for special legislation for such purpose; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The City of Ottawa Separate School Board Act, 1950* is repealed and the following substituted therefor: 1950, c. 110, s. 1, re-enacted

1.—(1) The Board shall consist of ten trustees, each of whom shall continue in office for four years and until his successor has been elected. Composition of Board

(2) The vacancy created in the Board by the addition of a tenth trustee shall be filled by the Board in the same manner as provided by section 4, and the trustee so appointed shall hold office for the same term as the trustees whose terms of office expire on the election of trustees in the year 1964. Filling of vacancy created by increase in number of trustees

(3) The trustees shall continue to be elected on the staggered system, and, in the year 1962 and in every second year thereafter, there shall be elected five trustees to replace the outgoing five trustees. Elections

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The City of Ottawa Separate School Board Act, 1961-62*. Short title

---

*1st Reading*

November 30th, 1961

*2nd Reading*

*3rd Reading*

---

MR. MORIN

---

(*Private Bill*)



# **BILL Pr21**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the City of Ottawa Separate School Board**

---

**MR. MORIN**

---



BILL Pr21

1961-62

## An Act respecting the City of Ottawa Separate School Board

**W**HEREAS The Board of Trustees of the Roman Catholic Separate Schools for the City of Ottawa, herein called the Board, by its petition has represented that it is expedient to provide greater representation on the Board and for this purpose to reconstitute the Board so as to consist of ten, instead of nine, trustees; and whereas the petitioner has prayed for special legislation for such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The City of Ottawa Separate School Board Act, 1950* is repealed and the following substituted therefor: 1950, c. 110,  
s. 1,  
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- 1.—(1) The Board shall consist of ten trustees, each of whom shall continue in office for four years and until his successor has been elected. Composition  
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- (2) The vacancy created in the Board by the addition of a tenth trustee shall be filled by the Board in the same manner as provided by section 4, and the trustee so appointed shall hold office for the same term as the trustees whose terms of office expire on the election of trustees in the year 1964. Filling of  
vacancy  
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trustees
- (3) The trustees shall continue to be elected on the staggered system, and, in the year 1962 and in every second year thereafter, there shall be elected five trustees to replace the outgoing five trustees. Elections

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ment

3. This Act may be cited as *The City of Ottawa Separate School Board Act, 1961-62*. Short title

Separate School Board

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*1st Reading*

November 30th, 1961

*2nd Reading*

March 1st, 1962

*3rd Reading*

March 20th, 1962

---

MR. MORIN

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# **BILL Pr22**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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**An Act respecting the County of Essex, the Town of  
Leamington and The Public Utilities Commission  
of the Town of Leamington**

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MR. PARRY

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(PRIVATE BILL)

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BILL Pr22

1961-62

**An Act respecting the County of Essex,  
the Town of Leamington and The  
Public Utilities Commission of  
the Town of Leamington**

**W**HEREAS The Corporation of the County of Essex, Preamble  
The Corporation of the Town of Leamington and The  
Public Utilities Commission of the Town of Leamington by  
their petition have prayed for special legislation in respect of  
the matters hereinafter set forth; and whereas it is expedient  
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The Agreement between The Corporation of the County Agreement confirmed  
of Essex, The Corporation of the Town of Leamington and  
The Public Utilities Commission of the Town of Leamington,  
bearing date the 1st day of November, 1961, and set forth  
as the Schedule hereto, is ratified and confirmed and declared  
to be legal, valid and binding upon the parties thereto.

**2.** *An Act respecting the Town of Leamington*, being chapter 1900, c. 73.  
73 of the Statutes of Ontario, 1900, is repealed. repealed

**3.** This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

**4.** This Act may be cited as *The County of Essex and the* Short title  
*Town of Leamington Act, 1961-62.*

## SCHEDULE

THIS AGREEMENT made this First day of November, A.D. 1961.

BETWEEN:

THE CORPORATION OF THE TOWN OF LEAMINGTON,  
hereinafter called the "Town",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE COUNTY OF ESSEX,  
hereinafter called the "County",

OF THE SECOND PART,

—and—

THE PUBLIC UTILITIES COMMISSION OF THE TOWN OF  
LEAMINGTON,  
hereinafter called the "Commission",

OF THE THIRD PART.

WHEREAS by Memorandum of Agreement made the 19th day of January, 1900 between the Town and the County, the said Town agreed to furnish, upon the terms set out in such Agreement, natural gas, water and light to The House of Refuge about to be erected by the County on lands lying adjacent to the said Town;

AND WHEREAS the said Agreement was ratified, confirmed and declared to be legal and valid and to be binding upon the parties thereto, by 63 Victoria, 1900, Statutes of Ontario, Chapter 73, being an Act respecting The Town of Leamington;

AND WHEREAS the Town has carried out the terms of the said Agreement;

AND WHEREAS The House of Refuge is now known as The Sun Parlour Home for Senior Citizens;

AND WHEREAS the parties hereto are desirous of entering into a new Agreement for the supply of water to The Sun Parlour Home for Senior Citizens.

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. The said Agreement bearing date the 19th day of January, 1900 between the Town and the County is hereby declared null and void and of no effect.

2. The Town and/or the Commission, their servants, agents or workmen shall furnish and maintain without cost or expense to the County a main of not less than 6" in diameter for the delivery of water to a point to be designated by the County in the South limit of Lot No. 242, North Talbot Road, in the Township of Mersea.

3. The County may freely and lawfully and without molestation or hindrance from the Town or the Commission, their servants, agents or workmen pipe from the main referred to above whatever water is required for the purposes of The Sun Parlour Home for Senior Citizens to the same extent as if the said The Sun Parlour Home for Senior Citizens was situate in the Town of Leamington.



4. The County shall pay to the Town and/or the Commission for all water used by the County at The Sun Parlour Home for Senior Citizens an amount equal to the price paid by the Town for such water to The Ontario Water Resources Commission, its successors or assigns.

5. The Town and/or the Commission shall install and maintain at its or their expense a water meter at The Sun Parlour Home for Senior Citizens in order to properly measure and record the volume of water used by the County at the said The Sun Parlour Home for Senior Citizens.

6. The Commission shall forward to the County on or about the last day of each of the months of March, June, September and December, in each year an account for the water used by the County at the said The Sun Parlour Home for Senior Citizens during the three-month period ending on such date and the County shall remit to the Commission the amount shown on the said account within forty-five days following the date such account was rendered.

7. The Town shall without expense to the County assist in controlling and extinguishing fires at the said The Sun Parlour Home for Senior Citizens in the same manner as if the said The Sun Parlour Home for Senior Citizens was situate in the Town of Leamington.

8. The parties hereto shall forthwith petition the Legislature of the Province of Ontario for an Act to confirm and validate this Agreement.

9. This Agreement shall not take effect or be binding upon the parties hereto until confirmed and validated by an Act of the Legislature of the Province of Ontario. When so confirmed and validated the said Agreement shall continue in effect and be binding upon the parties hereto for so long as the County continues to maintain a home on said Lot No. 242 North Talbot Road in the said Township of Mersea pursuant to the provisions of *The Homes for the Aged Act*, R.S.O. 1960, Chapter 174, and any Act passed and enacted in substitution therefor or by way of re-enactment, amendment, revision or consolidation thereof.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals, attested by the hands of their proper officers.

THE CORPORATION OF THE TOWN OF LEAMINGTON:

A. R. CULLEN,  
*Mayor.*

(Seal)

A. D. JORDAN,  
*Clerk.*

THE CORPORATION OF THE COUNTY OF ESSEX:

R. McDONALD,  
*Warden.*

(Seal)

C. A. KEELEY,  
*Clerk.*

THE PUBLIC UTILITIES COMMISSION OF THE  
TOWN OF LEAMINGTON:

CHARLES W. HOWDON,  
*Chairman.*

(Seal)

J. H. ANDERSON,  
*Manager.*





the Town of Leamington and The Public  
Utilities Commission of the  
Town of Leamington

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. PARRY

*(Private Bill)*

## **BILL Pr22**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting the County of Essex, the Town of  
Leamington and The Public Utilities Commission  
of the Town of Leamington**

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**MR. PARRY**

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BILL Pr22

1961-62

**An Act respecting the County of Essex,  
the Town of Leamington and The  
Public Utilities Commission of  
the Town of Leamington**

**W**HEREAS The Corporation of the County of Essex, Preamble  
The Corporation of the Town of Leamington and The  
Public Utilities Commission of the Town of Leamington by  
their petition have prayed for special legislation in respect of  
the matters hereinafter set forth; and whereas it is expedient  
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The Agreement between The Corporation of the County Agreement confirmed  
of Essex, The Corporation of the Town of Leamington and  
The Public Utilities Commission of the Town of Leamington,  
bearing date the 1st day of November, 1961, and set forth  
as the Schedule hereto, is ratified and confirmed and declared  
to be legal, valid and binding upon the parties thereto.

**2.** *An Act respecting the Town of Leamington*, being chapter 1900, c. 73.  
73 of the Statutes of Ontario, 1900, is repealed. repealed

**3.** This Act comes into force on the day it receives Royal Commence-  
Assent. ment

**4.** This Act may be cited as *The County of Essex and the* Short title  
*Town of Leamington Act, 1961-62.*

## SCHEDULE

THIS AGREEMENT made this First day of November, A.D. 1961.

BETWEEN:

THE CORPORATION OF THE TOWN OF LEAMINGTON,  
hereinafter called the "Town",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE COUNTY OF ESSEX,  
hereinafter called the "County",

OF THE SECOND PART,

—and—

THE PUBLIC UTILITIES COMMISSION OF THE TOWN OF  
LEAMINGTON,  
hereinafter called the "Commission",

OF THE THIRD PART.

WHEREAS by Memorandum of Agreement made the 19th day of January, 1900 between the Town and the County, the said Town agreed to furnish, upon the terms set out in such Agreement, natural gas, water and light to The House of Refuge about to be erected by the County on lands lying adjacent to the said Town;

AND WHEREAS the said Agreement was ratified, confirmed and declared to be legal and valid and to be binding upon the parties thereto, by 63 Victoria, 1900, Statutes of Ontario, Chapter 73, being an Act respecting The Town of Leamington;

AND WHEREAS the Town has carried out the terms of the said Agreement;

AND WHEREAS The House of Refuge is now known as The Sun Parlour Home for Senior Citizens;

AND WHEREAS the parties hereto are desirous of entering into a new Agreement for the supply of water to The Sun Parlour Home for Senior Citizens.

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. The said Agreement bearing date the 19th day of January, 1900 between the Town and the County is hereby declared null and void and of no effect.

2. The Town and/or the Commission, their servants, agents or workmen shall furnish and maintain without cost or expense to the County a main of not less than 6" in diameter for the delivery of water to a point to be designated by the County in the South limit of Lot No. 242, North Talbot Road, in the Township of Mersea.

3. The County may freely and lawfully and without molestation or hindrance from the Town or the Commission, their servants, agents or workmen pipe from the main referred to above whatever water is required for the purposes of The Sun Parlour Home for Senior Citizens to the same extent as if the said The Sun Parlour Home for Senior Citizens was situate in the Town of Leamington.



4. The County shall pay to the Town and/or the Commission for all water used by the County at The Sun Parlour Home for Senior Citizens an amount equal to the price paid by the Town for such water to The Ontario Water Resources Commission, its successors or assigns.

5. The Town and/or the Commission shall install and maintain at its or their expense a water meter at The Sun Parlour Home for Senior Citizens in order to properly measure and record the volume of water used by the County at the said The Sun Parlour Home for Senior Citizens.

6. The Commission shall forward to the County on or about the last day of each of the months of March, June, September and December, in each year an account for the water used by the County at the said The Sun Parlour Home for Senior Citizens during the three-month period ending on such date and the County shall remit to the Commission the amount shown on the said account within forty-five days following the date such account was rendered.

7. The Town shall without expense to the County assist in controlling and extinguishing fires at the said The Sun Parlour Home for Senior Citizens in the same manner as if the said The Sun Parlour Home for Senior Citizens was situate in the Town of Leamington.

8. The parties hereto shall forthwith petition the Legislature of the Province of Ontario for an Act to confirm and validate this Agreement.

9. This Agreement shall not take effect or be binding upon the parties hereto until confirmed and validated by an Act of the Legislature of the Province of Ontario. When so confirmed and validated the said Agreement shall continue in effect and be binding upon the parties hereto for so long as the County continues to maintain a home on said Lot No. 242 North Talbot Road in the said Township of Mersea pursuant to the provisions of *The Homes for the Aged Act*, R.S.O. 1960, Chapter 174, and any Act passed and enacted in substitution therefor or by way of re-enactment, amendment, revision or consolidation thereof.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals, attested by the hands of their proper officers.

(Seal)

THE CORPORATION OF THE TOWN OF LEAMINGTON:

A. R. CULLEN,  
*Mayor.*

A. D. JORDAN,  
*Clerk.*

(Seal)

THE CORPORATION OF THE COUNTY OF ESSEX:

R. McDONALD,  
*Warden.*

C. A. KEELEY,  
*Clerk.*

(Seal)

THE PUBLIC UTILITIES COMMISSION OF THE  
TOWN OF LEAMINGTON:

CHARLES W. HOWDON,  
*Chairman.*

J. H. ANDERSON,  
*Manager.*



THE HOUSE OF COMMONS  
IN PARLIAMENT ASSEMBLED  
HATH PASSED AN ACT  
TO AMEND THE LAW  
IN RESPECT OF THE  
CROWN LANDS  
AND TO AUTHORISE  
THE CROWN TO  
VEND, LEASE, OR  
OTHERWISE dispose  
OF SUCH LANDS  
IN SUCH MANNER  
AND ON SUCH TERMS  
AS SEEMETH TO HIS  
MAJESTY'S EXCELLENT  
MAYESTY

An Act respecting the County of Essex,  
the Town of Leamington and The Public  
Utilities Commission of the  
Town of Leamington

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*1st Reading*

December 7th, 1961

*2nd Reading*

March 12th, 1962

*3rd Reading*

March 30th, 1962

---

MR. PARRY

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# **BILL Pr23**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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## **An Act respecting the Young Men's-Young Women's Christian Association of Cornwall**

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MR. MANLEY

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(PRIVATE BILL)



BILL Pr23

1961-62

## An Act respecting the Young Men's-Young Women's Christian Association of Cornwall

**W**HEREAS the Young Men's-Young Women's Christian Association of Cornwall, herein called the Association, by its petition has prayed for special legislation to exempt its real property, owned and used or occupied and used by it in the City of Cornwall, from municipal taxation, except for local improvements; and whereas it appears that the Association was incorporated on the 6th day of October, 1960, and has acquired certain assets, including those of the incorporated association known as the Young Women's Christian Association of Cornwall and of an unincorporated association known as the Young Men's Christian Association of Cornwall, which associations were not, prior to the 1st day of January, 1961, assessed and taxed by the City of Cornwall, but have since then been assessed and taxed; and whereas it is expedient to grant the prayer of the petition:

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Cornwall may pass by-laws exempting from taxes for municipal or school purposes or both, other than local improvement rates, the land, as defined in *The Assessment Act*, of the Young Men's-Young Women's Christian Association of Cornwall, provided that the land is owned and used or occupied and used solely by and for the purposes of the Association, on such conditions as may be set out in the by-law.

Tax exemption authorized

R.S.O. 1960, c. 23

(2) The council may by by-law cancel all arrears of taxes and interest or penalties thereon for the period from the 1st day of January, 1961, until the date this Act comes into force levied by the City of Cornwall in respect of such land, and release the Association and its property from all liability therefor.

Cancellation of arrears authorized

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Y.M.-Y.W.C.A. of Cornwall Act, 1961-62.*









An Act respecting the Young Men's-  
Young Women's Christian Association  
of Cornwall

---

*1st Reading*

November 30th, 1961

*2nd Reading*

*3rd Reading*

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MR. MANLEY

---

(*Private Bill*)

## **BILL Pr23**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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### **An Act respecting the Young Men's-Young Women's Christian Association of Cornwall**

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MR. MANLEY

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An Act to amend  
the law

BILL Pr23

1961-62

## An Act respecting the Young Men's-Young Women's Christian Association of Cornwall

**W**HEREAS the Young Men's-Young Women's Christian Association of Cornwall, herein called the Association, by its petition has prayed for special legislation to exempt its real property, owned and used or occupied and used by it in the City of Cornwall, from municipal taxation, except for local improvements; and whereas it appears that the Association was incorporated on the 6th day of October, 1960, and has acquired certain assets, including those of the incorporated association known as the Young Women's Christian Association of Cornwall and of an unincorporated association known as the Young Men's Christian Association of Cornwall, which associations were not, prior to the 1st day of January, 1961, assessed and taxed by the City of Cornwall, but have since then been assessed and taxed; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Cornwall may pass by-laws exempting from taxes for municipal or school purposes or both, other than local improvement rates, the land, as defined in *The Assessment Act*, of the Young Men's-Young Women's Christian Association of Cornwall, provided that the land is owned and used or occupied and used solely by and for the purposes of the Association, on such conditions as may be set out in the by-law. Tax exemption authorized R.S.O. 1960, c. 23

(2) The council may by by-law cancel all arrears of taxes and interest or penalties thereon for the period from the 1st day of January, 1961, until the date this Act comes into force levied by the City of Cornwall in respect of such land, and release the Association and its property from all liability therefor. Cancellation of arrears authorized

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Y.M.-Y.W.C.A. of Cornwall Act, 1961-62.*









An Act respecting the Young Men's-  
Young Women's Christian Association  
of Cornwall

---

*1st Reading*

November 30th, 1961

*2nd Reading*

*3rd Reading*

---

MR. MANLEY

---

(*Private Bill*)

## **BILL Pr23**

---

**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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### **An Act respecting the Young Men's-Young Women's Christian Association of Cornwall**

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**MR. MANLEY**

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AN ACT

187

Printed

BILL Pr23

1961-62

## An Act respecting the Young Men's-Young Women's Christian Association of Cornwall

**W**HEREAS the Young Men's-Young Women's Christian Association of Cornwall, herein called the Association, by its petition has prayed for special legislation to exempt its real property, owned and used or occupied and used by it in the City of Cornwall, from municipal taxation, except for local improvements; and whereas it appears that the Association was incorporated on the 6th day of October, 1960, and has acquired certain assets, including those of the incorporated association known as the Young Women's Christian Association of Cornwall and of an unincorporated association known as the Young Men's Christian Association of Cornwall, which associations were not, prior to the 1st day of January, 1961, assessed and taxed by the City of Cornwall, but have since then been assessed and taxed; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Cornwall may pass by-laws exempting from taxes for municipal or school purposes or both, other than local improvement rates, the land, as defined in *The Assessment Act*, of the Young Men's-Young Women's Christian Association of Cornwall, provided that the land is owned and used or occupied and used solely by and for the purposes of the Association, on such conditions as may be set out in the by-law. Tax exemption authorized R.S.O. 1960, c. 23

(2) The council may by by-law cancel all arrears of taxes and interest or penalties thereon for the period from the 1st day of January, 1961, until the date this Act comes into force levied by the City of Cornwall in respect of such land, and release the Association and its property from all liability therefor. Cancellation of arrears authorized

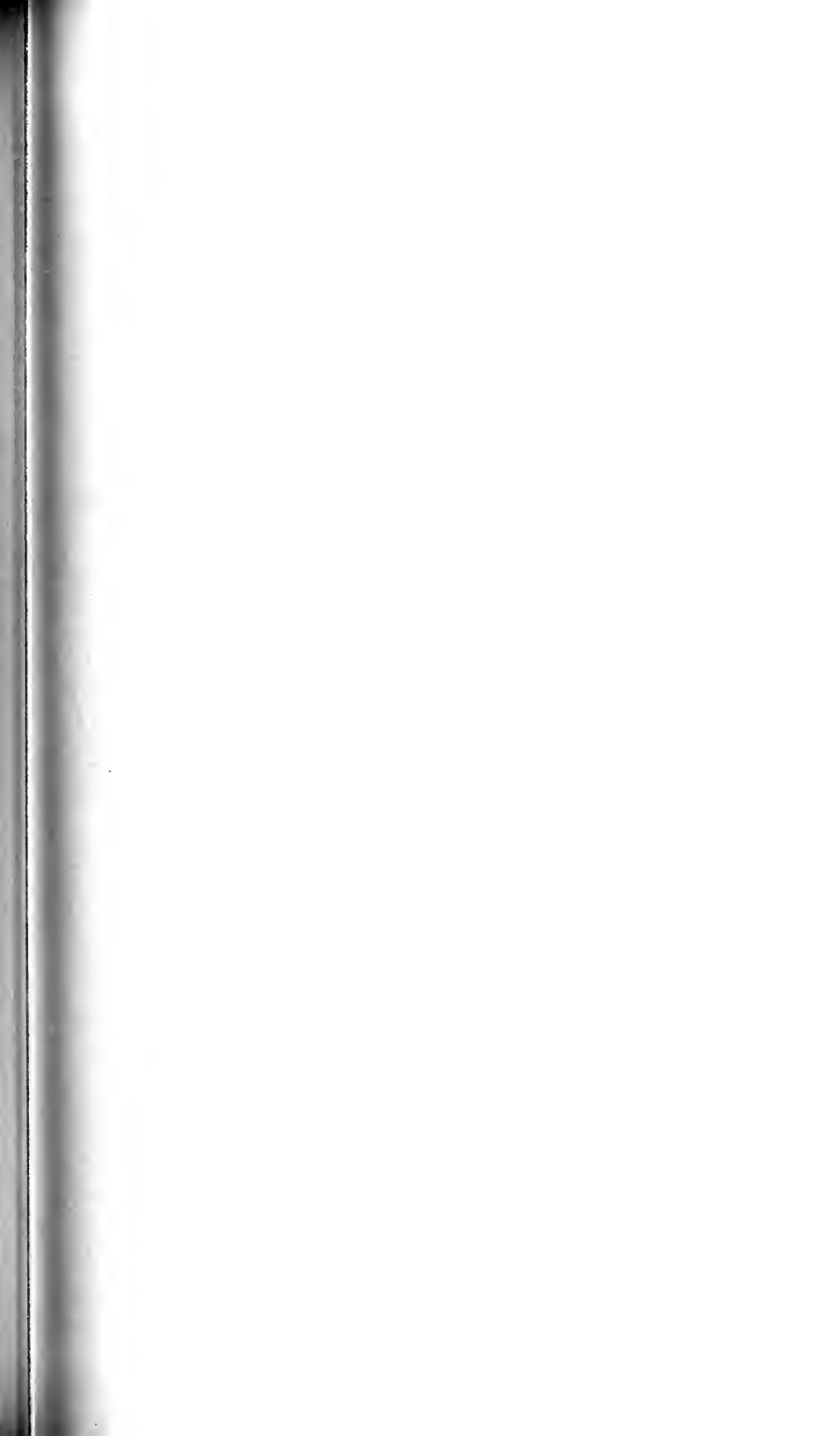
Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Y.M.-Y.W.C.A. of Cornwall Act, 1961-62.*







of Columbia  
George Washington University  
in Washington, D.C.

An Act respecting the Young Men's-  
Young Women's Christian Association  
of Cornwall

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*1st Reading*

November 30th, 1961

*2nd Reading*

February 23rd, 1962

*3rd Reading*

March 12th, 1962

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MR. MANLEY

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# **BILL Pr24**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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## **An Act respecting The Ontario Registered Music Teachers' Association**

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MR. MORIN

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(PRIVATE BILL)



BILL Pr24

1961-62

## An Act respecting The Ontario Registered Music Teachers' Association

**W**HEREAS The Ontario Registered Music Teachers' Association by its petition has represented that it was incorporated by *The Ontario Registered Music Teachers' Association Act, 1946* and has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Registered Music Teachers' Association Act, 1946* is amended by adding thereto the following subsection:

- (2) The head office of the Association shall be in the City of Toronto or such other place in Ontario as the Association may determine by by-law.

2. Subsection 1 of section 4 of *The Ontario Registered Music Teachers' Association Act, 1946* is repealed and the following substituted therefor:

- (1) The affairs of the Association shall be under the management of a council composed of not more than fifteen members as the Association may provide by by-law, and the members shall be elected for such term and in such manner as the by-laws may provide.

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The Ontario Registered Music Teachers' Association Act, 1961-62*.

An Act respecting The Ontario Registered  
Music Teachers' Association

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. MORIN

---

(*Private Bill*)



**BILL Pr24**

---

**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting  
The Ontario Registered Music Teachers' Association**

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**MR. MORIN**

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THE END

BILL Pr24

1961-62

## An Act respecting The Ontario Registered Music Teachers' Association

**W**HEREAS The Ontario Registered Music Teachers' <sup>Preamble</sup>  
Association by its petition has represented that it was  
incorporated by *The Ontario Registered Music Teachers'*  
*Association Act, 1946* and has prayed for special legislation  
in respect of the matters hereinafter set forth; and whereas  
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. Section 1 of *The Ontario Registered Music Teachers'* <sup>1946, c. 131,</sup>  
*Association Act, 1946* is amended by adding thereto the <sup>s. 1,</sup> amended  
following subsection:

- (2) The head office of the Association shall be in the <sup>Head</sup>  
City of Toronto or such other place in Ontario as <sup>office</sup>  
the Association may determine by by-law.

2. Subsection 1 of section 4 of *The Ontario Registered* <sup>1946, c. 131,</sup>  
*Music Teachers' Association Act, 1946* is repealed and the <sup>s. 4, subs. 1,</sup> re-enacted  
following substituted therefor:

- (1) The affairs of the Association shall be under the <sup>Composition</sup>  
management of a council composed of not more than <sup>and election</sup>  
fifteen members as the Association may provide by  
by-law, and the members shall be elected for such  
term and in such manner as the by-laws may provide.

3. This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

4. This Act may be cited as *The Ontario Registered Music* <sup>Short title</sup>  
*Teachers' Association Act, 1961-62.*

An Act respecting 'The Ontario Registered  
Music Teachers' Association

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*1st Reading*

December 7th, 1961

*2nd Reading*

March 1st, 1962

*3rd Reading*

March 20th, 1962

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MR. MORIN

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# **BILL Pr25**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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## **An Act respecting The High School Board of the City of Sudbury and The Neelon-Garson and Falcon- bridge District High School Board**

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MR. BELISLE

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(PRIVATE BILL)



BILL Pr25

1961-62

**An Act respecting The High School Board of  
the City of Sudbury and The Neelon-  
Garson and Falconbridge District  
High School Board**

**W**HEREAS The High School Board of the City of <sup>Preamble</sup>  
Sudbury and The Neelon-Garson and Falconbridge  
District High School Board by their petition have prayed  
for special legislation in respect of the matters hereinafter  
set forth; and whereas it is expedient to grant the prayer of  
the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The Agreement between The Neelon-Garson and Falcon- <sup>Agreement</sup>  
bridge District High School Board and The High School <sup>validated</sup>  
Board of the City of Sudbury, dated the 22nd day of Novem-  
ber, 1961, set forth as the Schedule hereto, is declared to be  
legal, valid and binding upon both boards and both boards  
are hereby empowered to carry out all their respective obliga-  
tions that may arise thereunder.

**2.** The Agreement may be amended by mutual consent of <sup>Amendment</sup>  
both boards only with the approval of the Minister of <sup>of</sup> Agreement  
Education.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**4.** This Act may be cited as *The Sudbury and Suburban* <sup>Short title</sup>  
*Secondary Schools Act, 1961-62.*

## SCHEDULE

THIS AGREEMENT made in duplicate this 22nd day of November, A.D. 1961.

BETWEEN:

THE NEELON-GARSON AND FALCONBRIDGE DISTRICT  
HIGH SCHOOL BOARD,  
hereinafter called the "Suburban Board",

OF THE FIRST PART,

—and—

THE SUDBURY HIGH SCHOOL BOARD,  
hereinafter called the "Sudbury Board",

OF THE SECOND PART.

WHEREAS BY INDENTURE dated the 22nd day of November, 1961, the parties hereto agreed that a maximum of 760 Secondary School students be accommodated in a Secondary School financed and constructed by the Suburban Board;

AND WHEREAS the Suburban Board agreed to add to the Secondary School an addition to accommodate 250 academic secondary school students which addition will be ready for occupancy by September 1st, 1965, to be financed and constructed by the Suburban Board;

AND WHEREAS the Suburban Board is planning to erect a secondary school situate in the Township of Garson, in the District of Sudbury, which with its fixtures, equipment and site is hereinafter referred to as the "Garson-Falconbridge Vocational School";

AND WHEREAS the Suburban Board has requested the Sudbury Board to operate the Garson-Falconbridge Vocational School for a term of 20 years commencing September 1st, 1963 in the same manner in which it operates its secondary schools in the City of Sudbury;

AND WHEREAS the Sudbury Board has agreed to do so upon the terms and conditions hereinafter contained;

WITNESSETH THAT in consideration of the premises and the terms and conditions hereinafter contained the parties hereto mutually agree as follows:

1. The lands upon which the Garson-Falconbridge Vocational School is to be erected and the buildings constructed upon such lands by the Suburban Board and any furniture and equipment purchased by the Suburban Board in connection with such Garson-Falconbridge Vocational School shall be and remain vested in and be the property of the Suburban Board.

2. The Suburban Board agrees to erect the Garson-Falconbridge Vocational School in accordance with the plans and specifications which it has prepared and has had approved by the Minister of Education and of which a copy has been filed with the Sudbury Board, and to supply and install such furniture, equipment and services as are necessary for proper operation and uniform in quality, quantity and kind with those in Sudbury secondary schools, and to finance, landscape and prepare the school site suitably, so that such school will be ready to open on the first school day in September, 1963.

3. Upon completion of the Garson-Falconbridge Vocational School as aforesaid, the Sudbury Board shall staff, operate and maintain it and, except as otherwise provided in this agreement, shall do so in accordance with the standard policies of the Sudbury Board.



4. The Sudbury Board shall pay the current operation expenses of the Garson-Falconbridge Vocational School, including the provision of staff and necessary supplies, the payment for heating and hydro, water and telephone services, and the carrying of insurance against damage, loss and public liability. The Suburban Board shall be so named in the policy or policies of insurance that it is adequately indemnified against any loss.

It is agreed that the Suburban Board will pay all costs of transportation for its own students.

5. The maintenance of the Garson-Falconbridge Vocational School by the Sudbury Board shall be so as to keep it in repair and in good condition as required through normal wear and tear, including all buildings, the site, furniture and equipment, and shall include the replacement of furniture and equipment, as required through normal wear and tear: provided that no structural changes shall be made by the Sudbury Board without the consent of the Suburban Board.

6. The Suburban Board shall pay to the Sudbury Board the cost of tuition fees for Suburban Board pupils attending the Garson-Falconbridge Vocational School and any other secondary school operated by the Sudbury Board and the costs shall be calculated pursuant to Subsection 2 of Section 70 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960, Chapter 362, and in addition thereto be subject to clauses a and b following.

(a) In computing the payments made on Sudbury Board debentures the debenture charges of the Suburban School shall be included in the costs of the Sudbury Board.

(b) The Sudbury Board in calculating the costs of the Suburban Board will deduct the amount paid by the Suburban Board for debentures on the Garson-Falconbridge Vocational School from the calculated tuition; and in addition an adjustment will be made in favour of the Suburban Board by the Sudbury Board for any loss of grants normally received on debentures that the Suburban Board may incur as a result of accommodating students from other high school districts attending the Garson-Falconbridge Vocational School.

7. This basis of calculation shall apply to tuition fees to be paid for outside students other than Sudbury Board students and Suburban Board students attending the Garson-Falconbridge Vocational School or any other secondary school operated by the Sudbury Board regardless if the pupil or pupils are from any other school Board jurisdiction or territorial district.

8. The Sudbury Board and the Suburban Board shall discuss jointly on or before the 15th day of March in each year the allocation of pupils to the Garson-Falconbridge Vocational School and shall in accordance with such allocation set the boundaries for the Garson-Falconbridge Vocational School. Such boundaries shall be thereupon fixed and not changed without consent in writing of both Boards. Subsection 2 and Subsection 3 (a) of Section 68 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960, Chapter 362, shall not apply to the allocation of students to the Garson-Falconbridge Vocational School.

9. The Suburban Board and the Sudbury Board shall meet in joint session on the first Wednesday of May and October in each year to discuss the education of Neelon-Garson and Falconbridge students and the operation of the Garson-Falconbridge Vocational School.

10. The Suburban Board agrees that upon either Board giving notice of termination of this agreement as hereinafter provided, it shall undertake to engage on the then existing employment terms any members of the teaching and maintenance staff employed by the Sudbury Board at the Garson-Falconbridge Vocational School at the date of the giving of the notice who wish to continue at such school after the expiration of this agreement.

11. Both Boards agree that in the finishing and equipping of the Garson-Falconbridge Vocational School and in the planning, acquisition and equipping of any additional accommodation in connection therewith, the equipment and facilities shall be such as to permit uniformity of operation and maintenance with those of Sudbury secondary schools.

12. All applications for rentals of the Garson-Falconbridge Vocational School shall be first submitted to the Suburban Board for approval. If approved, application shall then be presented to the Sudbury Board and the general policies, regulations and rates of the Sudbury Board as to the granting of applications and as to administration of rentals in secondary schools shall apply. The Sudbury Board shall administer the rentals in all respects and shall retain any rental money received.

13. This agreement or amendments thereto shall remain in force until the 31st day of August, 1983 and will expire on such date if either Board has give notice of intention to terminate in writing to the other Board on or before the 31st day of August, 1982. If no such notice of intention to terminate has been given, this agreement shall continue in full force and effect from year to year thereafter, provided that one Board may on or before the 31st day of August in any year subsequent to 1982 give written notice to the other Board of its intention to terminate on the 31st day of August in the year following, whereupon this agreement shall expire upon the 31st day of August in such year following receipt of such notice.

14. The students of the Suburban Board shall have the same rights and privileges as the students of the Sudbury Board who wish to attend special courses not available to the Suburban Board students.

15. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors.

16. The both Boards shall co-operate in taking the necessary steps to obtain a private Bill of the Legislative Assembly of the Province of Ontario validating this agreement and allowing amendments with the approval of the Minister of Education, with all costs to be borne by the Suburban Board.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals attested to by their proper officers in that behalf.

SIGNED, SEALED AND  
DELIVERED:

THE NEELON-GARSON AND FALCONBRIDGE  
DISTRICT HIGH SCHOOL BOARD:

Per: HAROLD BONDETT,  
*Secretary-Treasurer.*

Per: P. A. PIGEON,  
*Chairman.*

THE SUDBURY HIGH SCHOOL BOARD:

Per: GRANT BOYCE,  
*Secretary-Treasurer.*

Per: C. A. PARKER,  
*Chairman.*



of the City of Sudbury and The Needon-  
Garson and Falconbridge District High  
School Board

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. BELSLE

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*(Private Bill)*

## BILL Pr25

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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### **An Act respecting The High School Board of the City of Sudbury and The Neelon-Garson and Falcon- bridge District High School Board**

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MR. BELISLE

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*(Reprinted as amended by the Committee on Private Bills)*

Vol. 2  
1602

BILL Pr25

1961-62

**An Act respecting The High School Board of  
the City of Sudbury and The Neelon-  
Garson and Falconbridge District  
High School Board**

**W**HEREAS The High School Board of the City of <sup>Preamble</sup>  
Sudbury and The Neelon-Garson and Falconbridge  
District High School Board by their petition have prayed  
for special legislation in respect of the matters hereinafter  
set forth; and whereas it is expedient to grant the prayer of  
the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The Agreement between The Neelon-Garson and Falcon- <sup>Agreement</sup>  
bridge District High School Board and The High School <sup>validated</sup>  
Board of the City of Sudbury, dated the 22nd day of Novem-  
ber, 1961, set forth as the Schedule hereto, is declared to be  
legal, valid and binding upon both boards and both boards  
are hereby empowered to carry out all their respective obliga-  
tions that may arise thereunder.
2. The Agreement may be amended by mutual consent of <sup>Amendment</sup>  
both boards only with the approval of the Minister of <sup>of</sup> Agreement  
Education.
3. This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>
4. This Act may be cited as *The Sudbury and Suburban* <sup>Short title</sup>  
*Secondary Schools Act, 1961-62.*

## SCHEDULE

THIS AGREEMENT made in duplicate this 22nd day of November, A.D. 1961.

BETWEEN:

THE NEELON-GARSON AND FALCONBRIDGE DISTRICT  
HIGH SCHOOL BOARD,  
hereinafter called the "Suburban Board",

OF THE FIRST PART,

—and—

THE SUDBURY HIGH SCHOOL BOARD,  
hereinafter called the "Sudbury Board",

OF THE SECOND PART.

WHEREAS BY INDENTURE dated the 22nd day of November, 1961, the parties hereto agreed that a maximum of 760 Secondary School students be accommodated in a Secondary School financed and constructed by the Suburban Board;

AND WHEREAS the Suburban Board agreed to add to the Secondary School an addition to accommodate 250 academic secondary school students which addition will be ready for occupancy by September 1st, 1965, to be financed and constructed by the Suburban Board;

AND WHEREAS the Suburban Board is planning to erect a secondary school situate in the Township of Garson, in the District of Sudbury, which with its fixtures, equipment and site is hereinafter referred to as the "Garson-Falconbridge Vocational School";

AND WHEREAS the Suburban Board has requested the Sudbury Board to operate the Garson-Falconbridge Vocational School for a term of 20 years commencing September 1st, 1963 in the same manner in which it operates its secondary schools in the City of Sudbury;

AND WHEREAS the Sudbury Board has agreed to do so upon the terms and conditions hereinafter contained;

WITNESSETH THAT in consideration of the premises and the terms and conditions hereinafter contained the parties hereto mutually agree as follows:

1. The lands upon which the Garson-Falconbridge Vocational School is to be erected and the buildings constructed upon such lands by the Suburban Board and any furniture and equipment purchased by the Suburban Board in connection with such Garson-Falconbridge Vocational School shall be and remain vested in and be the property of the Suburban Board.

2. The Suburban Board agrees to erect the Garson-Falconbridge Vocational School in accordance with the plans and specifications which it has prepared and has had approved by the Minister of Education and of which a copy has been filed with the Sudbury Board, and to supply and install such furniture, equipment and services as are necessary for proper operation and uniform in quality, quantity and kind with those in Sudbury secondary schools, and to fence, landscape and prepare the school site suitably, so that such school will be ready to open on the first school day in September, 1963.

3. Upon completion of the Garson-Falconbridge Vocational School as aforesaid, the Sudbury Board shall staff, operate and maintain it and, except as otherwise provided in this agreement, shall do so in accordance with the standard policies of the Sudbury Board.



4. The Sudbury Board shall pay the current operation expenses of the Garson-Falconbridge Vocational School, including the provision of staff and necessary supplies, the payment for heating and hydro, water and telephone services, and the carrying of insurance against damage, loss and public liability. The Suburban Board shall be so named in the policy or policies of insurance that it is adequately indemnified against any loss.

It is agreed that the Suburban Board will pay all costs of transportation for its own students.

5. The maintenance of the Garson-Falconbridge Vocational School by the Sudbury Board shall be so as to keep it in repair and in good condition as required through normal wear and tear, including all buildings, the site, furniture and equipment, and shall include the replacement of furniture and equipment, as required through normal wear and tear; provided that no structural changes shall be made by the Sudbury Board without the consent of the Suburban Board.

6. The Suburban Board shall pay to the Sudbury Board the cost of tuition fees for Suburban Board pupils attending the Garson-Falconbridge Vocational School and any other secondary school operated by the Sudbury Board and the costs shall be calculated pursuant to Subsection 2 of Section 70 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960, Chapter 362, and in addition thereto be subject to clauses a and b following.

(a) In computing the payments made on Sudbury Board debentures the debenture charges of the Suburban School shall be included in the costs of the Sudbury Board.

(b) The Sudbury Board in calculating the costs of the Suburban Board will deduct the amount paid by the Suburban Board for debentures on the Garson-Falconbridge Vocational School from the calculated tuition; and in addition an adjustment will be made in favour of the Suburban Board by the Sudbury Board for any loss of grants normally received on debentures that the Suburban Board may incur as a result of accommodating students from other high school districts attending the Garson-Falconbridge Vocational School.

7. This basis of calculation shall apply to tuition fees to be paid for outside students other than Sudbury Board students and Suburban Board students attending the Garson-Falconbridge Vocational School or any other secondary school operated by the Sudbury Board regardless if the pupil or pupils are from any other school Board jurisdiction or territorial district.

8. The Sudbury Board and the Suburban Board shall discuss jointly on or before the 15th day of March in each year the allocation of pupils to the Garson-Falconbridge Vocational School and shall in accordance with such allocation set the boundaries for the Garson-Falconbridge Vocational School. Such boundaries shall be thereupon fixed and not changed without consent in writing of both Boards. Subsection 2 and Subsection 3 (a) of Section 68 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960, Chapter 362, shall not apply to the allocation of students to the Garson-Falconbridge Vocational School.

9. The Suburban Board and the Sudbury Board shall meet in joint session on the first Wednesday of May and October in each year to discuss the education of Neelon-Garson and Falconbridge students and the operation of the Garson-Falconbridge Vocational School.

10. The Suburban Board agrees that upon either Board giving notice of termination of this agreement as hereinafter provided, it shall undertake to engage on the then existing employment terms any members of the teaching and maintenance staff employed by the Sudbury Board at the Garson-Falconbridge Vocational School at the date of the giving of the notice who wish to continue at such school after the expiration of this agreement.

11. Both Boards agree that in the finishing and equipping of the Garson-Falconbridge Vocational School and in the planning, acquisition and equipping of any additional accommodation in connection therewith, the equipment and facilities shall be such as to permit uniformity of operation and maintenance with those of Sudbury secondary schools.

12. All applications for rentals of the Garson-Falconbridge Vocational School shall be first submitted to the Suburban Board for approval. If approved, application shall then be presented to the Sudbury Board and the general policies, regulations and rates of the Sudbury Board as to the granting of applications and as to administration of rentals in secondary schools shall apply. The Sudbury Board shall administer the rentals in all respects and shall retain any rental money received.

13. This agreement or amendments thereto shall remain in force until the 31st day of August, 1983 and will expire on such date if either Board has give notice of intention to terminate in writing to the other Board on or before the 31st day of August, 1982. If no such notice of intention to terminate has been given, this agreement shall continue in full force and effect from year to year thereafter, provided that one Board may on or before the 31st day of August in any year subsequent to 1982 give written notice to the other Board of its intention to terminate on the 31st day of August in the year following, whereupon this agreement shall expire upon the 31st day of August in such year following receipt of such notice.

14. The students of the Suburban Board shall have the same rights and privileges as the students of the Sudbury Board who wish to attend special courses not available to the Suburban Board students.

15. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors.

16. The both Boards shall co-operate in taking the necessary steps to obtain a private Bill of the Legislative Assembly of the Province of Ontario validating this agreement and allowing amendments with the approval of the Minister of Education, with all costs to be borne by the Suburban Board.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals attested to by their proper officers in that behalf.

SIGNED, SEALED AND  
DELIVERED:

THE NEELON-GARSON AND FALCONBRIDGE  
DISTRICT HIGH SCHOOL BOARD:

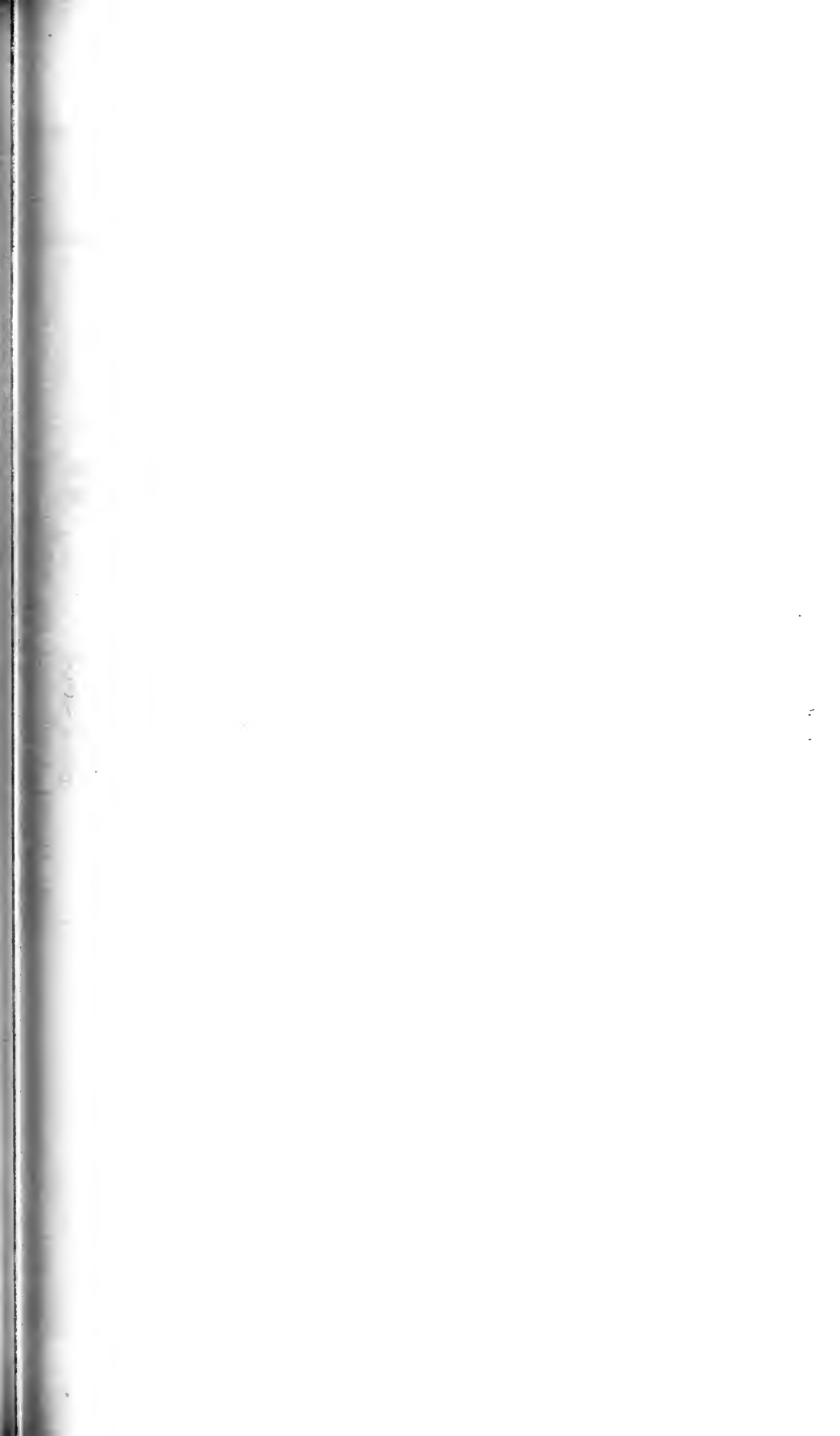
Per: HAROLD BONDETT,  
*Secretary-Treasurer.*

Per: P. A. PIGEON,  
*Chairman.*

THE SUDBURY HIGH SCHOOL BOARD:

Per: GRANT BOYCE,  
*Secretary-Treasurer.*

Per: C. A. PARKER,  
*Chairman.*



of the City of Sudbury and The Neelon-Garson and Falconbridge District High School Board

---

*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

---

MR. BELISLE

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*(Reprinted as amended by the  
Committee on Private Bills)*

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## **BILL Pr25**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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### **An Act respecting The High School Board of the City of Sudbury and The Neelon-Garson and Falcon- bridge District High School Board**

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MR. BELISLE

---

1001 101  
10102

BILL Pr25

1961-62

**An Act respecting The High School Board of  
the City of Sudbury and The Neelon-  
Garson and Falconbridge District  
High School Board**

**W**HEREAS The High School Board of the City of <sup>Preamble</sup>  
Sudbury and The Neelon-Garson and Falconbridge  
District High School Board by their petition have prayed  
for special legislation in respect of the matters hereinafter  
set forth; and whereas it is expedient to grant the prayer of  
the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

- 1.** The Agreement between The Neelon-Garson and Falcon- <sup>Agreement</sup>  
bridge District High School Board and The High School <sup>validated</sup>  
Board of the City of Sudbury, dated the 22nd day of Novem-  
ber, 1961, set forth as the Schedule hereto, is declared to be  
legal, valid and binding upon both boards and both boards  
are hereby empowered to carry out all their respective obliga-  
tions that may arise thereunder.
- 2.** The Agreement may be amended by mutual consent of <sup>Amendment</sup>  
both boards only with the approval of the Minister of <sup>of</sup> Agreement  
Education.
- 3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>
- 4.** This Act may be cited as *The Sudbury and Suburban* <sup>Short title</sup>  
*Secondary Schools Act, 1961-62.*

## SCHEDULE

THIS AGREEMENT made in duplicate this 22nd day of November, A.D. 1961.

BETWEEN:

THE NEELON-GARSON AND FALCONBRIDGE DISTRICT  
HIGH SCHOOL BOARD,  
hereinafter called the "Suburban Board",

OF THE FIRST PART,

—and—

THE SUDBURY HIGH SCHOOL BOARD,  
hereinafter called the "Sudbury Board",

OF THE SECOND PART.

WHEREAS BY INDENTURE dated the 22nd day of November, 1961, the parties hereto agreed that a maximum of 760 Secondary School students be accommodated in a Secondary School financed and constructed by the Suburban Board;

AND WHEREAS the Suburban Board agreed to add to the Secondary School an addition to accommodate 250 academic secondary school students which addition will be ready for occupancy by September 1st, 1965, to be financed and constructed by the Suburban Board;

AND WHEREAS the Suburban Board is planning to erect a secondary school situate in the Township of Garson, in the District of Sudbury, which with its fixtures, equipment and site is hereinafter referred to as the "Garson-Falconbridge Vocational School";

AND WHEREAS the Suburban Board has requested the Sudbury Board to operate the Garson-Falconbridge Vocational School for a term of 20 years commencing September 1st, 1963 in the same manner in which it operates its secondary schools in the City of Sudbury;

AND WHEREAS the Sudbury Board has agreed to do so upon the terms and conditions hereinafter contained;

WITNESSETH THAT in consideration of the premises and the terms and conditions hereinafter contained the parties hereto mutually agree as follows:

1. The lands upon which the Garson-Falconbridge Vocational School is to be erected and the buildings constructed upon such lands by the Suburban Board and any furniture and equipment purchased by the Suburban Board in connection with such Garson-Falconbridge Vocational School shall be and remain vested in and be the property of the Suburban Board.

2. The Suburban Board agrees to erect the Garson-Falconbridge Vocational School in accordance with the plans and specifications which it has prepared and has had approved by the Minister of Education and of which a copy has been filed with the Sudbury Board, and to supply and install such furniture, equipment and services as are necessary for proper operation and uniform in quality, quantity and kind with those in Sudbury secondary schools, and to fence, landscape and prepare the school site suitably, so that such school will be ready to open on the first school day in September, 1963.

3. Upon completion of the Garson-Falconbridge Vocational School as aforesaid, the Sudbury Board shall staff, operate and maintain it and, except as otherwise provided in this agreement, shall do so in accordance with the standard policies of the Sudbury Board.



4. The Sudbury Board shall pay the current operation expenses of the Garson-Falconbridge Vocational School, including the provision of staff and necessary supplies, the payment for heating and hydro, water and telephone services, and the carrying of insurance against damage, loss and public liability. The Suburban Board shall be so named in the policy or policies of insurance that it is adequately indemnified against any loss.

It is agreed that the Suburban Board will pay all costs of transportation for its own students.

5. The maintenance of the Garson-Falconbridge Vocational School by the Sudbury Board shall be so as to keep it in repair and in good condition as required through normal wear and tear, including all buildings, the site, furniture and equipment, and shall include the replacement of furniture and equipment, as required through normal wear and tear; provided that no structural changes shall be made by the Sudbury Board without the consent of the Suburban Board.

6. The Suburban Board shall pay to the Sudbury Board the cost of tuition fees for Suburban Board pupils attending the Garson-Falconbridge Vocational School and any other secondary school operated by the Sudbury Board and the costs shall be calculated pursuant to Subsection 2 of Section 70 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960, Chapter 362, and in addition thereto be subject to clauses a and b following.

(a) In computing the payments made on Sudbury Board debentures the debenture charges of the Suburban School shall be included in the costs of the Sudbury Board.

(b) The Sudbury Board in calculating the costs of the Suburban Board will deduct the amount paid by the Suburban Board for debentures on the Garson-Falconbridge Vocational School from the calculated tuition; and in addition an adjustment will be made in favour of the Suburban Board by the Sudbury Board for any loss of grants normally received on debentures that the Suburban Board may incur as a result of accommodating students from other high school districts attending the Garson-Falconbridge Vocational School.

7. This basis of calculation shall apply to tuition fees to be paid for outside students other than Sudbury Board students and Suburban Board students attending the Garson-Falconbridge Vocational School or any other secondary school operated by the Sudbury Board regardless if the pupil or pupils are from any other school Board jurisdiction or territorial district.

8. The Sudbury Board and the Suburban Board shall discuss jointly on or before the 15th day of March in each year the allocation of pupils to the Garson-Falconbridge Vocational School and shall in accordance with such allocation set the boundaries for the Garson-Falconbridge Vocational School. Such boundaries shall be thereupon fixed and not changed without consent in writing of both Boards. Subsection 2 and Subsection 3 (a) of Section 68 of *The Secondary Schools and Boards of Education Act*, R.S.O. 1960, Chapter 362, shall not apply to the allocation of students to the Garson-Falconbridge Vocational School.

9. The Suburban Board and the Sudbury Board shall meet in joint session on the first Wednesday of May and October in each year to discuss the education of Neelon-Garson and Falconbridge students and the operation of the Garson-Falconbridge Vocational School.

10. The Suburban Board agrees that upon either Board giving notice of termination of this agreement as hereinafter provided, it shall undertake to engage on the then existing employment terms any members of the teaching and maintenance staff employed by the Sudbury Board at the Garson-Falconbridge Vocational School at the date of the giving of the notice who wish to continue at such school after the expiration of this agreement.

11. Both Boards agree that in the finishing and equipping of the Garson-Falconbridge Vocational School and in the planning, acquisition and equipping of any additional accommodation in connection therewith, the equipment and facilities shall be such as to permit uniformity of operation and maintenance with those of Sudbury secondary schools.

12. All applications for rentals of the Garson-Falconbridge Vocational School shall be first submitted to the Suburban Board for approval. If approved, application shall then be presented to the Sudbury Board and the general policies, regulations and rates of the Sudbury Board as to the granting of applications and as to administration of rentals in secondary schools shall apply. The Sudbury Board shall administer the rentals in all respects and shall retain any rental money received.

13. This agreement or amendments thereto shall remain in force until the 31st day of August, 1983 and will expire on such date if either Board has give notice of intention to terminate in writing to the other Board on or before the 31st day of August, 1982. If no such notice of intention to terminate has been given, this agreement shall continue in full force and effect from year to year thereafter, provided that one Board may on or before the 31st day of August in any year subsequent to 1982 give written notice to the other Board of its intention to terminate on the 31st day of August in the year following, whereupon this agreement shall expire upon the 31st day of August in such year following receipt of such notice.

14. The students of the Suburban Board shall have the same rights and privileges as the students of the Sudbury Board who wish to attend special courses not available to the Suburban Board students.

15. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors.

16. The both Boards shall co-operate in taking the necessary steps to obtain a private Bill of the Legislative Assembly of the Province of Ontario validating this agreement and allowing amendments with the approval of the Minister of Education, with all costs to be borne by the Suburban Board.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals attested to by their proper officers in that behalf.

SIGNED, SEALED AND  
DELIVERED:

THE NEELON-GARSON AND FALCONBRIDGE  
DISTRICT HIGH SCHOOL BOARD:

Per: HAROLD BONDETT,  
*Secretary-Treasurer.*

Per: P. A. PIGEON,  
*Chairman.*

THE SUDBURY HIGH SCHOOL BOARD:

Per: GRANT BOYCE,  
*Secretary-Treasurer.*

Per: C. A. PARKER,  
*Chairman.*

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An Act respecting The High School Board  
of the City of Sudbury and The Neelon-  
Garson and Falconbridge District High  
School Board

---

*1st Reading*

December 7th, 1961

*2nd Reading*

March 12th, 1962

*3rd Reading*

March 30th, 1962

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MR. BELISLE

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# **BILL Pr26**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the Town of Richmond Hill**

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**MR. MACKENZIE**

---

**(PRIVATE BILL)**



BILL Pr26

1961-62

## An Act respecting the Town of Richmond Hill

**W**HEREAS The Corporation of the Town of Richmond Hill by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding the provisions of *The Municipal Act*, the council of the Town of Richmond Hill may provide by by-law that the council shall be composed of a mayor, reeve and deputy reeve elected by general vote and four councillors, one councillor elected by the electors of each of the four wards of the Town. Composition  
of council

**2.** Subsections 4, 6 and 7 of section 29 of *The Municipal Act* apply *mutatis mutandis* to this Act. Application  
of R.S.O.  
1960, c. 249

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Town of Richmond Hill Act, 1961-62*. Short title

An Act respecting  
the Town of Richmond Hill

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. MACKENZIE

---

(*Private Bill*)



# **BILL Pr26**

---

3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

---

## **An Act respecting the Town of Richmond Hill**

---

MR. MACKENZIE

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ANALYSIS

ANALYSIS

ANALYSIS

BILL Pr26

1961-62

## An Act respecting the Town of Richmond Hill

**W**HEREAS The Corporation of the Town of Richmond Hill by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of *The Municipal Act*, Composition  
of council the council of the Town of Richmond Hill may provide by by-law that the council shall be composed of a mayor, reeve and deputy reeve elected by general vote and four councillors, one councillor elected by the electors of each of the four wards of the Town.

2. Subsections 4, 6 and 7 of section 29 of *The Municipal Act* apply *mutatis mutandis* to this Act. Application  
of R.S.O.  
1960, c. 249

3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

4. This Act may be cited as *The Town of Richmond Hill Act, 1961-62*. Short title

An Act respecting  
the Town of Richmond Hill

---

*1st Reading*

December 7th, 1961

*2nd Reading*

March 12th, 1962

*3rd Reading*

March 30th, 1962

---

MR. MACKENZIE

---

# **BILL Pr27**

---

**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the Township of Wicksteed**

---

**MR. LYONS**

---

**(PRIVATE BILL)**



BILL Pr27

1961-62

## An Act respecting the Township of Wicksteed

**W**HEREAS The Corporation of the Township of Wicksteed, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** By-law No. 395 of The Corporation of the Township of Wicksteed, which was read a first and second time on the 25th day of January, 1961, set forth as the Schedule hereto, authorizing the issue of debentures of the Corporation in a principal amount not exceeding the sum of \$50,000 to pay the costs of constructing the addition of two classrooms with equipment and two washrooms and additional heating facilities to the existing Hornepayne Continuation School, is hereby declared to be a by-law duly passed by the council of the Corporation and is confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. Debenture  
by-law  
validated

**2.** Sections 55 to 61 of *The Ontario Municipal Board Act* apply in respect of By-law No. 395 and the debentures to be issued thereunder. Application  
of R.S.O.  
1960, c. 274

**3.** For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order pursuant to section 63 of *The Public Schools Act* and pursuant to section 64 of *The Ontario Municipal Board Act* authorizing The Board of Trustees of the Continuation School of the Township of Wicksteed to proceed with the undertakings referred to in section 1 and authorizing the Corporation to pass the debenture by-law referred to in section 1. By-law  
deemed  
approved  
by  
O.M.B.  
R.S.O. 1960,  
cc. 330, 274

**4.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

Short title

5. This Act may be cited as *The Township of Wicksteed Act, 1961-62.*

## SCHEDULE

### THE CORPORATION OF THE TOWNSHIP OF WICKSTEED

#### By-LAW No. 395

BEING A BY-LAW to authorize the borrowing of \$50,000.00 upon debentures for continuation school purposes.

WHEREAS The Public School Board of the Township School Area of Township of Wicksteed has requested the Council to provide the sum of \$50,000.00 for the purpose of construction of an addition of two class-rooms, wash-rooms and heating facilities to existing Continuation School Building in the said Township School Area;

AND WHEREAS it is necessary and expedient to borrow for the said purpose a sum not exceeding \$50,000.00 upon the credit of the Corporation, to issue debentures therefor bearing interest payable annually at the rate per annum shown in Schedule "A" attached to this by-law and to provide for the discount and the expenses incidental to the negotiation and sale of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of twenty (20) years in the respective amounts set forth in Schedule "A" hereto annexed;

THEREFORE The Council of the Corporation of the Township of Wicksteed enacts as follows:

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum not exceeding \$50,000.00 and shall issue debentures therefor.

2. Each debenture shall bear interest at the rate shown in Schedule "A" attached to this by-law and shall have coupons attached thereto for the payment of such interest.

3. The debentures shall be dated the 30th day of September, 1961; shall be issued at one time and shall be payable with interest in twenty (20) annual instalments on the 30th day of September in each of the years 1961 to 1981 inclusive, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed.

4. The debentures to be issued shall be twenty in number, one falling due in each year of the said term.

5. The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at the Imperial Bank in the Village of Hornepayne or at the principal office of the said bank in the City of Toronto.

6. The said debentures shall be sealed with the seal of the Corporation and signed by the Head of the Council or by some other person authorized by by-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

7. Commencing in the year 1961 and thereafter, in each year in which an instalment of principal of the said debt and the interest thereon becomes due the Council shall levy and raise the specific sum shown for the respective year in the said Schedule "A". Such sum shall be levied



9. Pending the sale of the said debentures the Head of the Council and the Treasurer may raise for the purpose aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the amount hereby authorized to be borrowed and may hypothecate such debentures for such loan.

*Clerk.*

**\$50,000.00**

Pr27





An Act respecting the  
Township of Wicksteed

---

*1st Reading*

November 30th, 1961

*2nd Reading*

*3rd Reading*

---

MR. LYONS

---

(*Private Bill*)

**BILL Pr27**

---

**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

---

**An Act respecting the Township of Wicksteed**

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**MR. LYONS**

---

171

172

173

BILL Pr27

1961-62

## An Act respecting the Township of Wicksteed

**W**HEREAS The Corporation of the Township of Wicksteed, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 395 of The Corporation of the Township of Wicksteed, which was read a first and second time on the 25th day of January, 1961, set forth as the Schedule hereto, authorizing the issue of debentures of the Corporation in a principal amount not exceeding the sum of \$50,000 to pay the costs of constructing the addition of two classrooms with equipment and two washrooms and additional heating facilities to the existing Hornepayne Continuation School, is hereby declared to be a by-law duly passed by the council of the Corporation and is confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. Debenture  
by-law  
validated

2. Sections 55 to 61 of *The Ontario Municipal Board Act* apply in respect of By-law No. 395 and the debentures to be issued thereunder. Application  
of R.S.O.  
1960, c. 274

3. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order pursuant to section 63 of *The Public Schools Act* and pursuant to section 64 of *The Ontario Municipal Board Act* authorizing The Board of Trustees of the Continuation School of the Township of Wicksteed to proceed with the undertakings referred to in section 1 and authorizing the Corporation to pass the debenture by-law referred to in section 1. By-law  
deemed  
approved  
by  
O.M.B.  
R.S.O. 1960,  
cc. 330, 274

4. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

Short title

5. This Act may be cited as *The Township of Wicksteed Act, 1961-62.*

## SCHEDULE

### THE CORPORATION OF THE TOWNSHIP OF WICKSTEED

#### BY-LAW No. 395

BEING A BY-LAW to authorize the borrowing of \$50,000.00 upon debentures for continuation school purposes.

WHEREAS The Public School Board of the Township School Area of Township of Wicksteed has requested the Council to provide the sum of \$50,000.00 for the purpose of construction of an addition of two classrooms, wash-rooms and heating facilities to existing Continuation School Building in the said Township School Area;

AND WHEREAS it is necessary and expedient to borrow for the said purpose a sum not exceeding \$50,000.00 upon the credit of the Corporation, to issue debentures therefor bearing interest payable annually at the rate per annum shown in Schedule "A" attached to this by-law and to provide for the discount and the expenses incidental to the negotiation and sale of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of twenty (20) years in the respective amounts set forth in Schedule "A" hereto annexed;

THEREFORE The Council of the Corporation of the Township of Wicksteed enacts as follows:

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum not exceeding \$50,000.00 and shall issue debentures therefor.

2. Each debenture shall bear interest at the rate shown in Schedule "A" attached to this by-law and shall have coupons attached thereto for the payment of such interest.

3. The debentures shall be dated the 30th day of September, 1961; shall be issued at one time and shall be payable with interest in twenty (20) annual instalments on the 30th day of September in each of the years 1961 to 1981 inclusive, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed.

4. The debentures to be issued shall be twenty in number, one falling due in each year of the said term.

5. The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at the Imperial Bank in the Village of Hornepayne or at the principal office of the said bank in the City of Toronto.

6. The said debentures shall be sealed with the seal of the Corporation and signed by the Head of the Council or by some other person authorized by by-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

7. Commencing in the year 1961 and thereafter, in each year in which an instalment of principal of the said debt and the interest thereon becomes due the Council shall levy and raise the specific sum shown for the respective year in the said Schedule "A". Such sum shall be levied



9. Pending the sale of the said debentures the Head of the Council and the Treasurer may raise for the purpose aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the amount hereby authorized to be borrowed and may hypothecate such debentures for such loan.

*Clerk.*

Debt No.	Maturity Date	Principal	Interest Rate	Interest	Total
1	1963	\$ 1,300.00	6¾%	\$ 3,375.00	\$ 4,675.00
2	1964	1,300.00		3,287.25	4,587.25
3	1965	1,400.00		3,199.50	4,599.50
4	1966	1,500.00		3,105.00	4,605.00
5	1967	1,600.00		3,003.75	4,603.75
6	1968	1,700.00		2,895.75	4,595.75
7	1969	1,900.00		2,781.00	4,681.00
8	1970	2,000.00		2,652.75	4,652.75
9	1971	2,100.00		2,517.75	4,617.75
10	1972	2,300.00		2,376.00	4,676.00
11	1973	2,400.00		2,220.75	4,620.75
12	1974	2,600.00		2,058.75	4,658.75
13	1975	2,800.00		1,883.25	4,683.25
14	1976	2,900.00		1,694.25	4,594.25
15	1977	3,100.00		1,498.50	4,598.50
16	1978	3,300.00		1,289.25	4,589.25
17	1979	3,600.00		1,066.50	4,666.50
18	1980	3,800.00		823.50	4,623.50
19	1981	4,100.00		567.00	4,667.00
20	1982	4,300.00		290.25	4,590.25
		<u>\$50,000.00</u>		<u>\$42,585.75</u>	<u>\$92,585.75</u>

THE UNIVERSITY OF CHICAGO PRESS  
CHICAGO, ILL. 60637  
1984



An Act respecting the  
Township of Wicksteed

---

*1st Reading*

November 30th, 1961

*2nd Reading*

March 12th, 1962

*3rd Reading*

March 30th, 1962

---

MR. LYONS

---

# **BILL Pr28**

---

**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

---

## **An Act respecting the City of Hamilton**

---

**MR. EDWARDS (Wentworth)**

---

**(PRIVATE BILL)**



BILL Pr28

1961-62

## An Act respecting the City of Hamilton

**W**HEREAS The Corporation of the City of Hamilton, Preamble  
 herein called the Corporation, by its petition has prayed  
 for special legislation in respect of the matters hereinafter set  
 forth; and whereas it is expedient to grant the prayer of the  
 petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

**1.**—(1) Notwithstanding section 6 of *The Public Utilities* Charge for water service pipes  
*Act* or any special Act, the Corporation may pass by-laws for  
 charging to the owner of land for whose benefit a water  
 service pipe is laid, R.S.O. 1960, c. 335

- (a) the difference in the cost of materials only of laying water service pipes of over one-half inch in diameter but not over two inches in diameter from the main pipe to the line of the highway and the cost of materials only of laying water service pipes of one-half inch in diameter from the main pipe to the line of the highway;
- (b) the total cost of laying water service pipes exceeding two inches in diameter from the main pipe to the line of the highway;
- (c) the total cost of repairing water service pipes exceeding one-half inch in diameter laid down from the main pipe to the line of the highway.

(2) Any charge imposed by a by-law passed under sub-  
 section 1 is payable on demand, and, if not so paid, may be  
 collected in the same manner as water rates. Collection of charges

**2.**—(1) Notwithstanding subsection 4 of section 3 of *The* Assessment of private drain connections  
*Local Improvement Act*, where the width of a street exceeds  
 sixty-six feet, the amount to be assessed against each lot in  
R.S.O. 1960, c. 223

respect of each private drain connection, whether for sanitary, storm or combined sewage, not exceeding six inches in diameter, installed in the City of Hamilton shall not exceed the cost of such a private drain connection thirty-three feet in length, and the cost of the part of such a private drain in excess of thirty-three feet in length shall be part of the Corporation's portion of the cost.

Refunds  
authorized

(2) The Corporation may refund out of current revenue the difference between the amount actually assessed against any lot in respect of each such private drain connection after the 31st day of December, 1958, and the amount that would have been assessed against such lot if this section had been in force at the time of such assessment.

Assessment  
of average  
cost

(3) The Corporation may assess against each lot in respect of each private drain connection whether for sanitary, storm or combined sewage, not exceeding six inches in diameter, the average cost of all such private drain connections installed in the City of Hamilton in the same calendar year, provided, however, that such average cost does not exceed the average cost of a thirty-three foot installation.

Licensing  
and  
regulating  
untrav-  
elled  
portions of  
highways  
R.S.O. 1960,  
c. 296

3. The Corporation is authorized to license and regulate the use of untravelled portions of the highways within any area of the City of Hamilton, designated as a commercial or industrial area pursuant to the provisions of *The Planning Act*, for such consideration and upon such terms and conditions as may be agreed upon.

1951, c. 103,  
s. 1, subs. 1,  
amended

4.—(1) Subsection 1 of section 1 of *The City of Hamilton Act, 1951*, as amended by subsection 1 of section 5 of *The City of Hamilton Act, 1958* and section 1 of *The City of Hamilton Act, 1960-61*, is further amended by adding thereto the following clause:

maintenance  
and super-  
vision of  
buildings,  
etc.

(ff) for requiring that every building, structure and premises shall be maintained by means of preventive and corrective maintenance, in such a state of preservation and repair as will ensure its reasonable suitability for the purposes for which it is used or intended to be used, and as will give all reasonable protection to the value and the amenities of other buildings, structures and premises in the vicinity; and for authorizing the Building Commissioner to exercise with respect to such requirements the like powers as he already has with respect to the abatement of unsafe conditions as regards risk of accident other than danger from fire.



(2) Clause *l* of subsection 1 of the said section 1 is amended by adding "or" at the end of subclause ii and by adding thereto the following subclause: <sup>1951, c. 103,  
s. 1, subs. 1,  
cl. i,  
amended</sup>

- (iii) enter upon the premises and take such steps as may be necessary to put any building, structure or premises into such a state of preservation and repair as described in clause *ff*.

(3) Clause *m* of subsection 1 of the said section 1 is repealed and the following substituted therefor: <sup>1951, c. 103,  
s. 1, subs. 1,  
cl. m,  
re-enacted</sup>

- (*m*) for appointing an Advisory and Appeals Committee to assist and advise the City Council, and for prescribing the qualifications and term of office of members, and the number constituting a quorum, and for providing that discretionary orders and decisions of the Building Commissioner, including decisions to refuse to permit deviations from the requirements of any such by-law as authorized under the provisions of *The Planning Act*, and orders for preservation and repair as authorized by clause *ff* may be appealed to the said Committee in the same manner as, under *The Fire Marshals Act*, orders of inspectors and assistants to the Fire Marshal may be appealed to the Fire Marshal; and, on any such appeal, after a public hearing at which all interested persons shall be heard, the Committee may confirm the order or decision, or extend the time for compliance, or otherwise modify or revoke the order or decision, or permit such deviation from the requirements of any such by-law as may in special cases be warranted. <sup>Advisory  
and Appeals  
Committee  
  
R.S.O. 1960,  
c. 296  
  
R.S.O. 1960,  
c. 148</sup>

(4) Clause *n* of subsection 1 of the said section 1 is amended by striking out "Committee of Safety" in the third line and inserting in lieu thereof "Advisory and Appeals Committee". <sup>1951, c. 103,  
s. 1, subs. 1,  
cl. n,  
amended</sup>

(5) Clause *o* of subsection 1 of the said section 1, as amended by subsection 1 of section 5 of *The City of Hamilton Act, 1958*, is further amended by striking out "Committee of Safety" in the second line and inserting in lieu thereof "Advisory and Appeals Committee". <sup>1951, c. 103,  
s. 1, subs. 1,  
cl. o,  
amended</sup>

(6) Subsection 3 of the said section 1 is amended by striking out "Committee of Safety" in the first and second lines and inserting in lieu thereof "Advisory and Appeals Committee". <sup>1951, c. 103,  
s. 1, subs. 3,  
amended</sup>

5. This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

6. This Act may be cited as *The City of Hamilton Act, 1961-62*. <sup>Short title</sup>





An Act respecting the City of Hamilton

---

*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

---

MR. EDWARDS (Wentworth)

(*Private Bill*)

# **BILL Pr28**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

---

## **An Act respecting the City of Hamilton**

---

**MR. EDWARDS (Wentworth)**

---

*(Reprinted as amended by the Committee on Private Bills)*

1. The first part of the paper is devoted to a general discussion of the problem.

2. In the second part, we consider the case of a single particle.

3. The third part is devoted to the case of a system of particles.

(Reprinted)

BILL Pr28

1961-62

## An Act respecting the City of Hamilton

**W**HEREAS The Corporation of the City of Hamilton, Preamble  
 herein called the Corporation, by its petition has prayed  
 for special legislation in respect of the matters hereinafter set  
 forth; and whereas it is expedient to grant the prayer of the  
 petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

**1.—(1)** Notwithstanding subsection 4 of section 3 of *The* Assessment of private drain connections R.S.O. 1960, c. 223  
*Local Improvement Act*, where the width of a street exceeds  
 sixty-six feet, the amount to be assessed against each lot in  
 respect of each private drain connection, whether for sanitary,  
 storm or combined sewage, not exceeding six inches in dia-  
 meter, installed in the City of Hamilton shall not exceed the  
 cost of such a private drain connection thirty-three feet in  
 length, and the cost of the part of such a private drain in  
 excess of thirty-three feet in length shall be part of the  
 Corporation's portion of the cost.

**(2)** The Corporation may refund out of current revenue Refunds authorized  
 the difference between the amount actually assessed against  
 any lot in respect of each such private drain connection  
 after the 31st day of December, 1958, and the amount that  
 would have been assessed against such lot if this section had  
 been in force at the time of such assessment.

**2.** The Corporation is authorized to license and regulate Licensing and regulating untravalled portions of highways R.S.O. 1960, c. 296  
 the use of untravalled portions of the highways within any  
 area of the City of Hamilton, designated as a commercial  
 or industrial area pursuant to the provisions of *The Planning*  
*Act*, for such consideration and upon such terms and condi-  
 tions as may be agreed upon.

**3.** This Act comes into force on the day it receives Royal Commence-  
ment  
 Assent.

**4.** This Act may be cited as *The City of Hamilton Act*, Short title  
 1961-62.

*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

---

MR. EDWARDS (Wentworth)

---

(Reprinted as amended by the  
Committee on Private Bills)



# **BILL Pr28**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

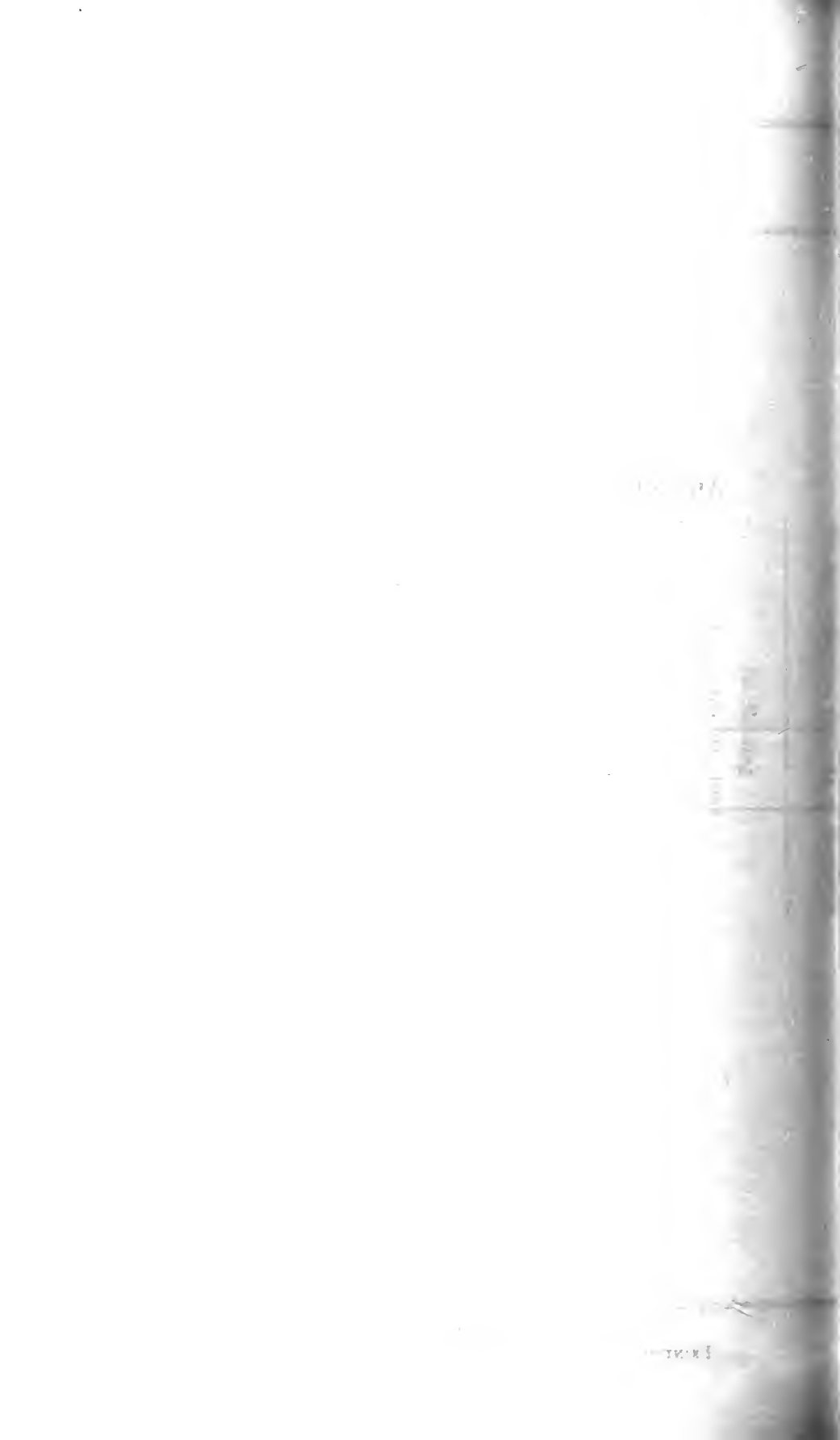
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## **An Act respecting the City of Hamilton**

---

**MR. EDWARDS (Wentworth)**

---



BILL Pr28

1961-62

## An Act respecting the City of Hamilton

**W**HEREAS The Corporation of the City of Hamilton, Preamble  
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**2.** The Corporation is authorized to license and regulate Licensing and regulating untrav-  
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 or industrial area pursuant to the provisions of *The Planning*  
*Act*, for such consideration and upon such terms and condi-  
 tions as may be agreed upon. R.S.O. 1960, c. 296

**3.** This Act comes into force on the day it receives Royal Commence-  
 ment  
 Assent.

**4.** This Act may be cited as *The City of Hamilton Act*, Short title  
 1961-62.

An Act respecting the City of Hamilton

*1st Reading*

December 7th, 1961

*2nd Reading*

April 2nd, 1962

*3rd Reading*

April 17th, 1962

MR. EDWARDS (Wentworth)

**BILL Pr29**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting the Township of Etobicoke**

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**MR. LEWIS**

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**(PRIVATE BILL)**



Bill Pr29

1961-62

## An Act respecting the Township of Etobicoke

**W**HEREAS The Corporation of the Township of Etobi- <sup>Preamble</sup>  
 coke by its petition has represented that *The Public* <sup>R.S.O. 1960,</sup>  
*Parks Act* was adopted by the Township of Etobicoke by <sup>c. 329</sup>  
 by-law after the petition had been lodged and favourable  
 vote of the ratepayers obtained in accordance with the pro-  
 visions of *The Public Parks Act*, and that there is no provision  
 for the repeal of such by-law in any applicable legislation;  
 and whereas the petitioner has prayed for special legislation  
 in respect of the matter hereinafter set forth; and whereas it  
 is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. By-law No. 8194 of The Corporation of the Township <sup>By-law</sup>  
 of Etobicoke, being a by-law to adopt *The Public Parks Act*, <sup>repealed</sup>  
 is repealed.

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
 Assent. <sup>ment</sup>

3. This Act may be cited as *The Township of Etobicoke* <sup>Short title</sup>  
*Act, 1961-62.*

An Act respecting  
the Township of Etobicoke

---

*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

---

MR. LEWIS

---

(*Private Bill*)



## **BILL Pr29**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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### **An Act respecting the Township of Etobicoke**

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**MR. LEWIS**

---



Bill Pr29

1961-62

## An Act respecting the Township of Etobicoke

**W**HEREAS The Corporation of the Township of Etobi- Preamble  
 coke by its petition has represented that *The Public* R.S.O. 1960,  
*Parks Act* was adopted by the Township of Etobicoke by c. 329  
 by-law after the petition had been lodged and favourable  
 vote of the ratepayers obtained in accordance with the pro-  
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 for the repeal of such by-law in any applicable legislation;  
 and whereas the petitioner has prayed for special legislation  
 in respect of the matter hereinafter set forth; and whereas it  
 is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
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 as follows:

1. By-law No. 8194 of The Corporation of the Township By-law  
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2. This Act comes into force on the day it receives Royal Commence-  
 Assent. ment
3. This Act may be cited as *The Township of Etobicoke* Short title  
*Act, 1961-62.*

An Act respecting  
the Township of Etobicoke

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*1st Reading*

December 7th, 1961

*2nd Reading*

March 12th, 1962

*3rd Reading*

March 30th, 1962

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MR. LEWIS

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**BILL Pr30**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting Hamilton Civic Hospitals**

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**MR. EDWARDS (Wentworth)**

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**(PRIVATE BILL)**



BILL Pr30

1961-62

## An Act respecting Hamilton Civic Hospitals

**W**HEREAS The Corporation of the City of Hamilton <sup>Preamble 1898, c. 43</sup> by its petition has represented that, pursuant to *An Act relating to the City Hospital of Hamilton*, being chapter 43 of the Statutes of Ontario, 1898, it owns and operates three hospitals in the City of Hamilton, known as the Hamilton General Hospital, the Mount Hamilton Hospital and the Nora-Frances Henderson Hospital; and whereas the Corporation deems it desirable to repeal such Act and to create a corporation under the name of "The Board of Governors of the Hamilton Civic Hospitals" and vest in it the general management, operation and maintenance of the existing hospitals and any hospitals hereafter acquired by the Corporation, and transfer to it all personal property now employed by the Corporation in the operation of the existing hospitals; and whereas the petitioner has prayed for special legislation for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The general management, operation and maintenance <sup>Board of Governors incorporated</sup> of all the hospitals now owned or hereafter acquired by The Corporation of the City of Hamilton, hereinafter called the City, are hereby vested in a corporation under the name of "The Board of Governors of the Hamilton Civic Hospitals", hereinafter called the Board, and by that name the Board has perpetual succession and a corporate seal and may under that name sue and be sued, contract and be contracted with, and acquire and hold personal property or movables for the purpose for which the corporation is constituted.

2. The Board shall be composed of twenty-three members, <sup>Composition of Board</sup> consisting of,

- (a) the Mayor of the City, or an Alderman thereof appointed by him to act in his stead for the remainder of the term for which the Mayor was elected,

the President of the Medical Staff and the Chairman of the Medical Staff Advisory Committee, and the President of the Women's Auxiliary, who shall be members during their term of office;

- (b) one Controller and two Aldermen of the City appointed annually by the council of the City, hereinafter called the Council; provided, however, that, should any member so appointed for any reason cease to be a member of the Council, he shall automatically cease to be a member of the Board;
- (c) sixteen members appointed by the Council, of whom eight shall be nominated by the Board of Control of the City and eight by the Hamilton Hospital Associates, all of whom shall be members for a term of four years and until their successors are appointed; provided, however, that, of the first sixteen members to be so appointed, four shall be appointed for a term to expire on the 1st day of January, 1966, four for a term to expire on the 1st day of January, 1965, four for a term to expire on the 1st day of January, 1964, and four for a term to expire on the 1st day of January, 1963; provided, also, that two of the four members appointed for each term shall be nominated by the Board of Control and two by the Hamilton Hospital Associates.

Council  
members  
not eligible

**3.** No member of the Council is eligible to be appointed a member of the Board under the provisions of clause c of section 2 during his term of office or, in the event that he has for any reason ceased to be a member of the Council, during the unexpired term for which he was elected.

Filling  
vacancies

**4.** In the case of a vacancy by the death or resignation of a member of the Board or from any cause other than the expiration of the term for which he was appointed, the Council shall, as soon as possible, fill such vacancy by appointing in the manner aforesaid a member who shall hold office for the remainder of the term for which his predecessor was appointed.

Re-  
appointment

**5.** Any member of the Board appointed by the Council is eligible for re-appointment upon the expiration of his term of office, provided he is otherwise qualified.

Termination  
of office

**6.** The term of office of any or all of the members of the Board appointed by the Council may be terminated at any time by a vote of at least two-thirds of all the members of the Council.



7. The first appointment of members of the Board shall be made within one month after the day this Act comes into force, and thereafter the appointments shall be made annually at the first regular meeting of the Council in each year or so soon thereafter as possible. <sup>Time for appointment</sup>

8. The first members of the Board shall meet within one month after their appointment for the purpose of organization, and shall elect from among themselves a chairman and one or more vice-chairmen and the chairman and members of each of the standing committees, and shall appoint a secretary and a treasurer, who shall hold office at the pleasure of the Board or for such period as the Board may prescribe. <sup>Organization meeting</sup>

9. The Board shall meet at least once every three months. <sup>Meetings of the Board</sup>

10. In addition to such standing committees as the Board may from time to time determine, the Board may elect from among its members an executive committee, consisting of not less than three and not more than seven members, and may delegate to it such powers of the Board as the Board may by by-law determine from time to time. <sup>Executive committee</sup>

11. No business shall be transacted at any special or general meeting of the Board unless a majority of the members thereof is present. <sup>Quorum</sup>

12. The members of the Board shall serve without remuneration, but each member shall be entitled to receive his actual disbursements for expenses incurred for any services tendered by him on the direction of the Board. <sup>No remuneration</sup>

13. Subject to *The Public Hospitals Act* and any regulations made thereunder and to *The Hospital Services Commission Act* and any regulations made thereunder, the Board is responsible for the general management, operation and maintenance of all the hospitals now owned or hereafter acquired by the City, hereinafter called the Hamilton Civic Hospitals, and, save as hereinafter provided, may exercise all the powers hitherto exercised by the City with respect thereto, including, but without limiting the generality of the foregoing, the power, <sup>Powers of Board</sup> <sup>R.S.O. 1960, cc. 322, 176</sup>

- (a) to enact by-laws for the general management, operation and maintenance of the Hamilton Civic Hospitals;
- (b) to appoint and to suspend or remove such employees as may be deemed necessary for the general management, operation and maintenance of the Hamilton

Civic Hospitals, and to fix their remuneration and prescribe their duties and working conditions;

- (c) to provide pensions, to establish a plan of sick leave credit gratuities and to provide group life insurance for such employees or any class thereof, and to provide group accident insurance and group sickness insurance and hospital, medical, surgical, nursing or dental services, or payment therefor, for such employees or any class thereof and their wives or husbands and children, and to contribute toward the cost thereof, and toward the cost to such employees of the plan for hospital care insurance provided under *The Hospital Services Commission Act*;
- (d) subject to *The Hospital Services Commission Act* and to any regulations made thereunder, to fix the fees to be charged patients for accommodation in and services rendered by the Hamilton Civic Hospitals;
- (e) to plan, contract for and supervise the erection, equipment and furnishing of additional hospitals and the alteration or enlargement of existing hospitals to the extent of any funds available from any source for such purposes;
- (f) to invest from time to time any surplus funds in any securities authorized by law for the investment of trust funds.

Real  
property  
R.S.O. 1960,  
c. 322

**14.** All real property hereafter acquired by the Board, pursuant to *The Public Hospitals Act* or otherwise, shall be vested in the City, and, notwithstanding anything herein contained, the Board has no power to sell, lease, mortgage or otherwise dispose of any land, buildings or fixtures owned by the City.

Personal  
property

**15.** All personal property employed by the City in the operation of the Hamilton Civic Hospitals on the 30th day of June, 1962, including furniture, equipment, supplies, accounts receivable and cash on hand, together with all personal property thereafter acquired by the Board, shall be deemed to be vested in the Board in trust for the City, and the Board shall,

- (a) assume responsibility for the payment of all liabilities then existing in respect to the general management, operation and maintenance of the Hamilton Civic Hospitals;

- (b) be bound by the terms of all contracts then existing made by the City in respect to the general management, operation and maintenance of the Hamilton Civic Hospitals;
- (c) forthwith enter into a collective agreement with each of the bargaining units of the employees of the Hamilton Civic Hospitals on the same terms and conditions as the collective agreements then existing between the City and each such bargaining unit;
- (d) obtain the approval of the City to any expenditure not wholly recoverable from the Hospital Services Commission of Ontario.

**16.** The auditors of the City shall be the auditors of the <sup>Auditors</sup> Board, and all books, documents, transactions and accounts of the Board shall at all times be open for the inspection of the treasurer and the auditors of the City.

**17.** In addition to the powers now conferred by *The* <sup>Powers of the City</sup> *Municipal Act* upon the councils of all municipalities to pass <sup>R.S.O. 1960, c. 249</sup> by-laws for granting aid to public hospitals, the City may from time to time,

- (a) make grants to the Board for any of the purposes of the Board;
- (b) make temporary loans to the Board of any money that, in the opinion of the treasurer of the City, may be required by the Board for the current operating expenses of the Hamilton Civic Hospitals, and may prescribe the interest chargeable, the time for repayment and the security to be given for any such loan.

**18.—(1)** The City shall, in each year, levy on the whole <sup>City responsible, for operating deficit</sup> of the assessment for property and business assessment, according to the last revised assessment roll, a sum sufficient to provide for the operating deficit, if any, incurred by the Board during the preceding fiscal year according to the financial statement reported upon by the auditors of the City, and shall pay over to the Board the amount of any such operating deficit on or before the first day of May of the same year.

**(2)** The City shall, on or before the 30th day of June, 1962, <sup>for working capital</sup> provide the Board with such working capital as may be necessary for the general management, operation and maintenance of the Hamilton Civic Hospitals.

Annual  
report

**19.** The Board shall submit to the City an annual report on the affairs of the Hamilton Civic Hospitals for the preceding year in a form acceptable to the Council.

Gifts to  
hospitals  
deemed  
gifts to  
Board

**20.** All gifts, trusts, bequests, devises and grants of real or personal property or of the income or proceeds thereof, heretofore or hereafter expressed by any person in his deed or will, to be made, given or conveyed to the Hamilton General Hospital, the Mount Hamilton Hospital, the Nora-Frances Henderson Hospital or the Hamilton Civic Hospitals shall, in so far as the same shall not have vested in possession or been carried into effect at the date of the coming into force of this Act, in the absence of an expressed intention to the contrary set out in such deed or will, be construed as though the same had been expressed to be made, in the case of personal property, to the Board and, in the case of real property, to the City for the purposes of the Hamilton Civic Hospitals under this Act, and the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed or will shall pay over or transfer all such personal property to the Board and shall convey all such real property to the City, and the receipt of the Board or the City, as the case may be, shall be a sufficient discharge therefor.

Recovery  
of charges

**21.** The Board is entitled to recover from a patient, other than one who is unable by reason of poverty to pay for the same, the charges fixed by the Hospital Services Commission of Ontario for treatment in the Hamilton Civic Hospitals.

Right of  
recourse  
by City

**22.** Any payment made by the City of an account rendered to it by the Board for treatment of a patient or the payment by the City of any expenses of burial of a deceased patient shall be deemed to be a payment for which the City is entitled to exercise the right of recourse from the patient or, in the event of his decease, from his estate or personal representatives, or, in the case of a dependant, from any person liable in law with respect to such dependant, conferred upon municipalities by *The Public Hospitals Act*.

R.S.O. 1960,  
c. 322

Insurance

**23.** The Board shall at all times cause to be insured all personal property vested in the Board in trust for the City, and such insurance shall include public liability and indemnity insurance in connection with all phases of the general management, operation and maintenance of the Hamilton Civic Hospitals, except only such items of liability as may be covered by *The Workmen's Compensation Act*.

R.S.O. 1960,  
c. 437

Claims

**24.** All claims, accounts and demands arising from or relating to the management, operation or maintenance of the Hamilton Civic Hospitals or from the exercise of any of the

powers of the Board shall be made upon and brought against the Board and not upon or against the City.

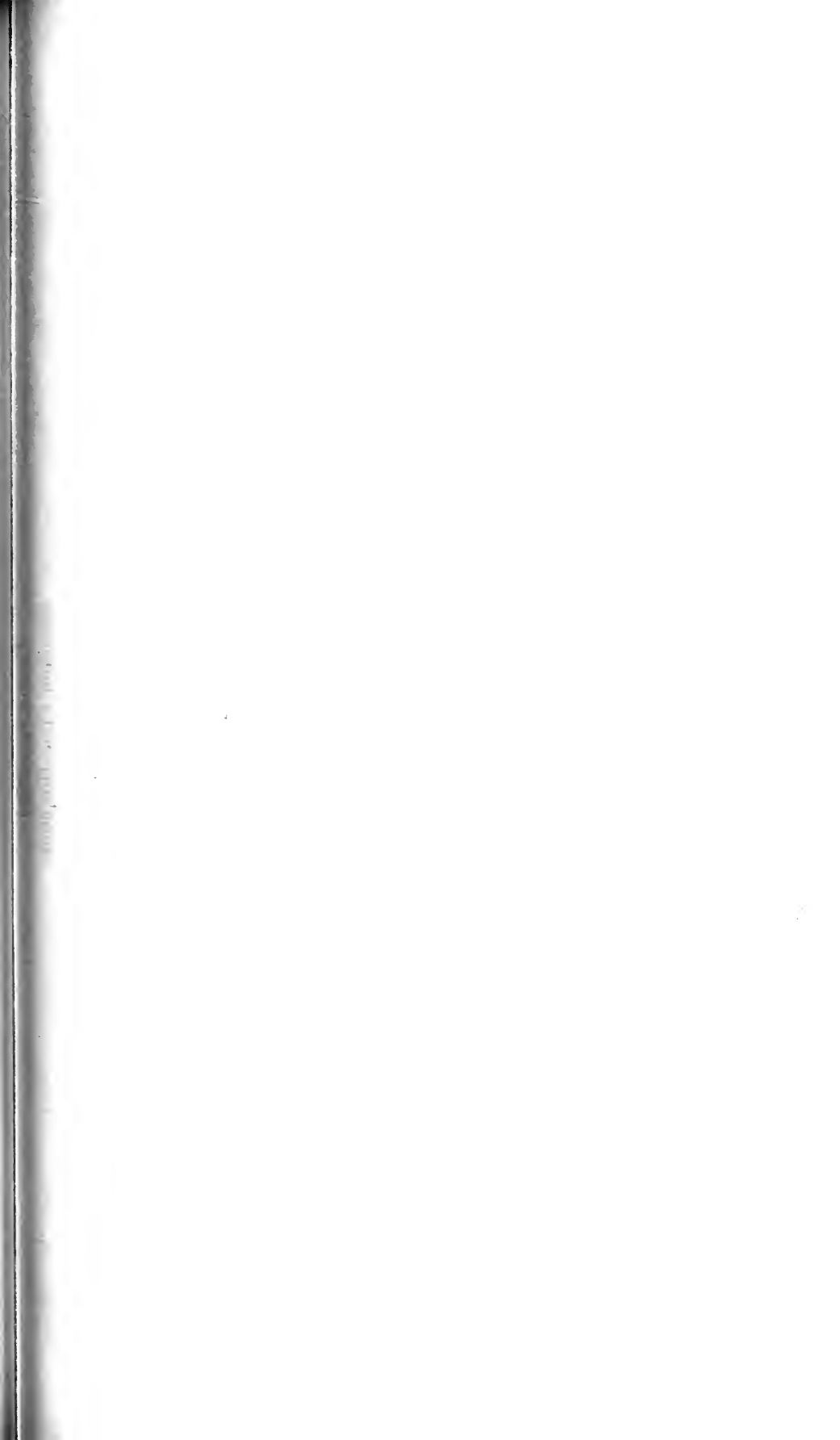
**25.** Notwithstanding section 26, the lands, buildings and fixtures now owned by the City for hospital purposes shall continue to be vested in the City until the same or any portions thereof are sold or otherwise disposed of by the City, and the City may continue to acquire and hold lands, buildings and fixtures for hospital purposes and sell or otherwise dispose of the same or any portions thereof when no longer required for such purposes.

**26.** *An Act relating to the City Hospital of Hamilton* is 1898, c. 43, repealed.

**27.** This Act comes into force on the day it receives Royal Assent.

**28.** This Act may be cited as *The Hamilton Civic Hospitals Act, 1961-62*.





An Act respecting  
Hamilton Civic Hospitals

---

*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

---

MR. EDWARDS (Wentworth)

(*Private Bill*)



# **BILL Pr30**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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## **An Act respecting Hamilton Civic Hospitals**

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MR. EDWARDS (Wentworth)

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*(Reprinted as amended by the Committee on Private Bills)*

100

(K-12)

BILL Pr30

1961-62

## An Act respecting Hamilton Civic Hospitals

**W**HEREAS The Corporation of the City of Hamilton by its petition has represented that, pursuant to *An Act relating to the City Hospital of Hamilton*, being chapter 43 of the Statutes of Ontario, 1898, it owns and operates three hospitals in the City of Hamilton, known as the Hamilton General Hospital, the Mount Hamilton Hospital and the Nora-Frances Henderson Hospital; and whereas the Corporation deems it desirable to repeal such Act and to create a corporation under the name of "The Board of Governors of the Hamilton Civic Hospitals" and vest in it the general management, operation and maintenance of the existing hospitals and any hospitals hereafter acquired by the Corporation, and transfer to it all personal property now employed by the Corporation in the operation of the existing hospitals; and whereas the petitioner has prayed for special legislation for such purposes; and whereas it is expedient to grant the prayer of the petition;

Preamble  
1898, c. 43

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The general management, operation and maintenance of all the hospitals now owned or hereafter acquired by The Corporation of the City of Hamilton, hereinafter called the City, are hereby vested in a corporation under the name of "The Board of Governors of the Hamilton Civic Hospitals", hereinafter called the Board, and by that name the Board has perpetual succession and a corporate seal and may under that name sue and be sued, contract and be contracted with, and acquire and hold personal property or movables for the purpose for which the corporation is constituted.

Board of  
Governors  
incorporated

2. The Board shall be composed of twenty-three members, consisting of,

Composition  
of Board

- (a) the Mayor of the City, or an Alderman thereof appointed by him to act in his stead for the remainder of the term for which the Mayor was elected,

the President of the Medical Staff and the Chairman of the Medical Staff Advisory Committee, and the President of the Women's Auxiliary, who shall be members during their term of office;

- (b) one Controller and two Aldermen of the City appointed annually by the council of the City, hereinafter called the Council; provided, however, that, should any member so appointed for any reason cease to be a member of the Council, he shall automatically cease to be a member of the Board;
- (c) sixteen members appointed by the Council, of whom eight shall be nominated by the Board of Control of the City and eight by the Hamilton Hospital Associates, all of whom shall be members for a term of four years and until their successors are appointed; provided, however, that, of the first sixteen members to be so appointed, four shall be appointed for a term to expire on the 1st day of January, 1966, four for a term to expire on the 1st day of January, 1965, four for a term to expire on the 1st day of January, 1964, and four for a term to expire on the 1st day of January, 1963; provided, also, that two of the four members appointed for each term shall be nominated by the Board of Control and two by the Hamilton Hospital Associates.

Council  
members  
not eligible

**3.** No member of the Council is eligible to be appointed a member of the Board under the provisions of clause c of section 2 during his term of office or, in the event that he has for any reason ceased to be a member of the Council, during the unexpired term for which he was elected.

Filling  
vacancies

**4.** In the case of a vacancy by the death or resignation of a member of the Board or from any cause other than the expiration of the term for which he was appointed, the Council shall, as soon as possible, fill such vacancy by appointing in the manner aforesaid a member who shall hold office for the remainder of the term for which his predecessor was appointed.

Re-  
appointment

**5.** Any member of the Board appointed by the Council is eligible for re-appointment upon the expiration of his term of office, provided he is otherwise qualified.

Termination  
of office

**6.** The term of office of any or all of the members of the Board appointed by the Council may be terminated at any time by a vote of at least two-thirds of all the members of the Council.

7. The first appointment of members of the Board shall be made within one month after the day this Act comes into force, and thereafter the appointments shall be made annually at the first regular meeting of the Council in each year or soon thereafter as possible. <sup>Time for appointment</sup>

8. The first members of the Board shall meet within one month after their appointment for the purpose of organization, and shall elect from among themselves a chairman and one or more vice-chairmen and the chairman and members of each of the standing committees, and shall appoint a secretary and a treasurer, who shall hold office at the pleasure of the Board or for such period as the Board may prescribe. <sup>Organization meeting</sup>

9. The Board shall meet at least once every three months. <sup>Meetings of the Board</sup>

10. In addition to such standing committees as the Board may from time to time determine, the Board may elect from among its members an executive committee, consisting of not less than three and not more than seven members, and may delegate to it such powers of the Board as the Board may by by-law determine from time to time. <sup>Executive committee</sup>

11. No business shall be transacted at any special or general meeting of the Board unless a majority of the members thereof is present. <sup>Quorum</sup>

12. The members of the Board shall serve without remuneration, but each member shall be entitled to receive his actual disbursements for expenses incurred for any services rendered by him at the direction of the Board. <sup>No remuneration</sup>

13. Subject to *The Public Hospitals Act* and any regulations made thereunder and to *The Hospital Services Commission Act* and any regulations made thereunder, the Board is responsible for the general management, operation and maintenance of all the hospitals now owned or hereafter acquired by the City, hereinafter called the Hamilton Civic Hospitals, and, save as hereinafter provided, may exercise all the powers hitherto exercised by the City with respect thereto, including, but without limiting the generality of the foregoing, the power, <sup>Powers of Board R.S.O. 1960, cc. 322, 176</sup>

- (a) to enact by-laws for the general management, operation and maintenance of the Hamilton Civic Hospitals;
- (b) to appoint and to suspend or remove such employees as may be deemed necessary for the general management, operation and maintenance of the Hamilton

Civic Hospitals, and to fix their remuneration and prescribe their duties and working conditions;

- (c) to provide pensions, to establish a plan of sick leave credit gratuities and to provide group life insurance for such employees or any class thereof, and to provide group accident insurance and group sickness insurance and hospital, medical, surgical, nursing or dental services, or payment therefor, for such employees or any class thereof and their wives or husbands and children, and to contribute toward the cost thereof, and toward the cost to such employees of the plan for hospital care insurance provided under *The Hospital Services Commission Act*;
- (d) subject to *The Hospital Services Commission Act* and to any regulations made thereunder, to fix the fees to be charged patients for accommodation in and services rendered by the Hamilton Civic Hospitals;
- (e) to plan, contract for and supervise the erection, equipment and furnishing of additional hospitals and the alteration or enlargement of existing hospitals to the extent of any funds available from any source for such purposes;
- (f) to invest from time to time any surplus funds in any securities authorized by law for the investment of trust funds.

Real  
property  
R.S.O. 1960,  
c. 322

**14.** All real property hereafter acquired by the Board, pursuant to *The Public Hospitals Act* or otherwise, shall be vested in the City, and, notwithstanding anything herein contained, the Board has no power to sell, lease, mortgage or otherwise dispose of any land, buildings or fixtures owned by the City.

Personal  
property

**15.** All personal property employed by the City in the operation of the Hamilton Civic Hospitals on the 30th day of June, 1962, including furniture, equipment, supplies, accounts receivable and cash on hand, together with all personal property thereafter acquired by the Board, shall be deemed to be vested in the Board in trust for the City, and the Board shall,

- (a) assume responsibility for the payment of all liabilities then existing in respect to the general management, operation and maintenance of the Hamilton Civic Hospitals;

- (b) be bound by the terms of all contracts then existing made by the City in respect to the general management, operation and maintenance of the Hamilton Civic Hospitals;
- (c) forthwith enter into a collective agreement with each of the bargaining units of the employees of the Hamilton Civic Hospitals on the same terms and conditions as the collective agreements then existing between the City and each such bargaining unit;
- (d) obtain the approval of the City to any expenditure not wholly recoverable from the Hospital Services Commission of Ontario.

**16.** The auditors of the City shall be the auditors of the <sup>Auditors</sup> Board, and all books, documents, transactions and accounts of the Board shall at all times be open for the inspection of the treasurer and the auditors of the City.

**17.** In addition to the powers now conferred by *The* <sup>Powers of the City</sup> *Municipal Act* upon the councils of all municipalities to pass <sup>R.S.O. 1960, c. 249</sup> by-laws for granting aid to public hospitals, the City may from time to time,

- (a) make grants to the Board for any of the purposes of the Board;
- (b) make temporary loans to the Board of any money that, in the opinion of the treasurer of the City, may be required by the Board for the current operating expenses of the Hamilton Civic Hospitals, and may prescribe the interest chargeable, the time for repayment and the security to be given for any such loan.

**18.—(1)** The City shall, in each year, levy on the whole <sup>City responsible for operating deficit</sup> of the assessment for property and business assessment, according to the last revised assessment roll, a sum sufficient to provide for the operating deficit, if any, incurred by the Board during the preceding fiscal year according to the financial statement reported upon by the auditors of the City, and shall pay over to the Board the amount of any such operating deficit on or before the first day of May of the same year.

**(2)** In determining whether or not an operating deficit <sup>Operating deficit</sup> has been incurred by the Board within the meaning of subsection 1, the amount of the settlement of any claim, account or demand made upon the Board and the amount of any final judgment

obtained against the Board, to the extent that such settlement or judgment is not recoverable from an insurer of the Board, shall be paid by the Board and charged against the operating revenues of the Board.

City  
responsible  
for working  
capital

(3) The City shall, on or before the 30th day of June, 1962, provide the Board with such working capital as may be necessary for the general management, operation and maintenance of the Hamilton Civic Hospitals.

Annual  
report

19. The Board shall submit to the City an annual report on the affairs of the Hamilton Civic Hospitals for the preceding year in a form acceptable to the Council.

Gifts to  
hospitals  
deemed  
gifts to  
Board

20. All gifts, trusts, bequests, devises and grants of real or personal property or of the income or proceeds thereof, heretofore or hereafter expressed by any person in his deed or will, to be made, given or conveyed to the City Hospital of Hamilton now known as Hamilton General Hospital, the Mount Hamilton Hospital, the Nora-Frances Henderson Hospital or the Hamilton Civic Hospitals shall, in so far as the same shall not have vested in possession or been carried into effect at the date of the coming into force of this Act, in the absence of an expressed intention to the contrary set out in such deed or will, be construed as though the same had been expressed to be made, in the case of personal property, to the Board and, in the case of real property, to the City for the purposes of the Hamilton Civic Hospitals under this Act, and the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed or will shall pay over or transfer all such personal property to the Board and shall convey all such real property to the City, and the receipt of the Board or the City, as the case may be, shall be a sufficient discharge therefor.

Recovery  
of charges

21. The Board is entitled to recover from a patient, other than one who is unable by reason of poverty to pay for the same, the charges fixed by the Hospital Services Commission of Ontario for treatment in the Hamilton Civic Hospitals.

Right of  
recourse  
by City

22. Any payment made by the City of an account rendered to it by the Board for treatment of a patient or the payment by the City of any expenses of burial of a deceased patient shall be deemed to be a payment for which the City is entitled to exercise the right of recourse from the patient or, in the event of his decease, from his estate or personal representatives, or, in the case of a dependant, from any person liable in law with respect to such dependant, conferred upon municipalities by *The Public Hospitals Act*.

R.S.O. 1960,  
c. 322



**23.** The Board shall at all times cause to be insured all <sup>Insurance</sup> personal property vested in the Board in trust for the City, and such insurance shall include public liability and indemnity insurance in connection with all phases of the general management, operation and maintenance of the Hamilton Civic Hospitals, except only such items of liability as may be covered by *The Workmen's Compensation Act*. <sup>R.S.O. 1960, c. 437</sup>

**24.** All claims, accounts and demands arising from or <sup>Claims</sup> relating to the management, operation or maintenance of the Hamilton Civic Hospitals or from the exercise of any of the powers of the Board shall be made upon and brought against the Board and not upon or against the City.

**25.** Notwithstanding section 26, the lands, buildings and <sup>Property owned by City</sup> fixtures now owned by the City for hospital purposes shall continue to be vested in the City until the same or any portions thereof are sold or otherwise disposed of by the City, and the City may continue to acquire and hold lands, buildings and fixtures for hospital purposes and sell or otherwise dispose of the same or any portions thereof when no longer required for such purposes.

**26.** *An Act relating to the City Hospital of Hamilton* is <sup>1898, c. 43, repealed</sup> repealed.

**27.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**28.** This Act may be cited as *The Hamilton Civic Hospitals* <sup>Short title</sup> *Act, 1961-62.*



1000 1000 1000

1000 1000 1000

Hamilton Civic Institute

7th 7th 7th 7th

An Act respecting  
Hamilton Civic Hospitals

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*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

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MR. EDWARDS (Wentworth)

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*(Reprinted as amended by the  
Committee on Private Bills)*

# **BILL Pr30**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting Hamilton Civic Hospitals**

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**MR. EDWARDS (Wentworth)**

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BILL Pr30

1961-62

## An Act respecting Hamilton Civic Hospitals

**W**HEREAS The Corporation of the City of Hamilton <sup>Preamble 1898, c. 43</sup> by its petition has represented that, pursuant to *An Act relating to the City Hospital of Hamilton*, being chapter 43 of the Statutes of Ontario, 1898, it owns and operates three hospitals in the City of Hamilton, known as the Hamilton General Hospital, the Mount Hamilton Hospital and the Nora-Frances Henderson Hospital; and whereas the Corporation deems it desirable to repeal such Act and to create a corporation under the name of "The Board of Governors of the Hamilton Civic Hospitals" and vest in it the general management, operation and maintenance of the existing hospitals and any hospitals hereafter acquired by the Corporation, and transfer to it all personal property now employed by the Corporation in the operation of the existing hospitals; and whereas the petitioner has prayed for special legislation for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The general management, operation and maintenance <sup>Board of Governors, incorporated</sup> of all the hospitals now owned or hereafter acquired by The Corporation of the City of Hamilton, hereinafter called the City, are hereby vested in a corporation under the name of "The Board of Governors of the Hamilton Civic Hospitals", hereinafter called the Board, and by that name the Board has perpetual succession and a corporate seal and may under that name sue and be sued, contract and be contracted with, and acquire and hold personal property or movables for the purpose for which the corporation is constituted.

2. The Board shall be composed of twenty-three members, <sup>Composition of Board</sup> consisting of,

- (a) the Mayor of the City, or an Alderman thereof appointed by him to act in his stead for the remainder of the term for which the Mayor was elected,

the President of the Medical Staff and the Chairman of the Medical Staff Advisory Committee, and the President of the Women's Auxiliary, who shall be members during their term of office;

- (b) one Controller and two Aldermen of the City appointed annually by the council of the City, hereinafter called the Council; provided, however, that, should any member so appointed for any reason cease to be a member of the Council, he shall automatically cease to be a member of the Board;
- (c) sixteen members appointed by the Council, of whom eight shall be nominated by the Board of Control of the City and eight by the Hamilton Hospital Associates, all of whom shall be members for a term of four years and until their successors are appointed; provided, however, that, of the first sixteen members to be so appointed, four shall be appointed for a term to expire on the 1st day of January, 1966, four for a term to expire on the 1st day of January, 1965, four for a term to expire on the 1st day of January, 1964, and four for a term to expire on the 1st day of January, 1963; provided, also, that two of the four members appointed for each term shall be nominated by the Board of Control and two by the Hamilton Hospital Associates.

Council  
members  
not eligible

**3.** No member of the Council is eligible to be appointed a member of the Board under the provisions of clause c of section 2 during his term of office or, in the event that he has for any reason ceased to be a member of the Council, during the unexpired term for which he was elected.

Filling  
vacancies

**4.** In the case of a vacancy by the death or resignation of a member of the Board or from any cause other than the expiration of the term for which he was appointed, the Council shall, as soon as possible, fill such vacancy by appointing in the manner aforesaid a member who shall hold office for the remainder of the term for which his predecessor was appointed.

Re-  
appointment

**5.** Any member of the Board appointed by the Council is eligible for re-appointment upon the expiration of his term of office, provided he is otherwise qualified.

Termination  
of office

**6.** The term of office of any or all of the members of the Board appointed by the Council may be terminated at any time by a vote of at least two-thirds of all the members of the Council.



7. The first appointment of members of the Board shall be made within one month after the day this Act comes into force, and thereafter the appointments shall be made annually at the first regular meeting of the Council in each year or so soon thereafter as possible. Time for appointment

8. The first members of the Board shall meet within one month after their appointment for the purpose of organization, and shall elect from among themselves a chairman and one or more vice-chairmen and the chairman and members of each of the standing committees, and shall appoint a secretary and a treasurer, who shall hold office at the pleasure of the Board or for such period as the Board may prescribe. Organization meeting

9. The Board shall meet at least once every three months. Meetings of the Board

10. In addition to such standing committees as the Board may from time to time determine, the Board may elect from among its members an executive committee, consisting of not less than three and not more than seven members, and may delegate to it such powers of the Board as the Board may by by-law determine from time to time. Executive committee

11. No business shall be transacted at any special or general meeting of the Board unless a majority of the members thereof is present. Quorum

12. The members of the Board shall serve without remuneration, but each member shall be entitled to receive his actual disbursements for expenses incurred for any services rendered by him at the direction of the Board. No remuneration

13. Subject to *The Public Hospitals Act* and any regulations made thereunder and to *The Hospital Services Commission Act* and any regulations made thereunder, the Board is responsible for the general management, operation and maintenance of all the hospitals now owned or hereafter acquired by the City, hereinafter called the Hamilton Civic Hospitals, and, save as hereinafter provided, may exercise all the powers hitherto exercised by the City with respect thereto, including, but without limiting the generality of the foregoing, the power, Powers of Board R.S.O. 1960, cc. 322, 176

- (a) to enact by-laws for the general management, operation and maintenance of the Hamilton Civic Hospitals;
- (b) to appoint and to suspend or remove such employees as may be deemed necessary for the general management, operation and maintenance of the Hamilton

Civic Hospitals, and to fix their remuneration and prescribe their duties and working conditions;

- (c) to provide pensions, to establish a plan of sick leave credit gratuities and to provide group life insurance for such employees or any class thereof, and to provide group accident insurance and group sickness insurance and hospital, medical, surgical, nursing or dental services, or payment therefor, for such employees or any class thereof and their wives or husbands and children, and to contribute toward the cost thereof, and toward the cost to such employees of the plan for hospital care insurance provided under *The Hospital Services Commission Act*;
- (d) subject to *The Hospital Services Commission Act* and to any regulations made thereunder, to fix the fees to be charged patients for accommodation in and services rendered by the Hamilton Civic Hospitals;
- (e) to plan, contract for and supervise the erection, equipment and furnishing of additional hospitals and the alteration or enlargement of existing hospitals to the extent of any funds available from any source for such purposes;
- (f) to invest from time to time any surplus funds in any securities authorized by law for the investment of trust funds.

R.S.O. 1960,  
c. 176

Real  
property  
R.S.O. 1960,  
c. 322

**14.** All real property hereafter acquired by the Board, pursuant to *The Public Hospitals Act* or otherwise, shall be vested in the City, and, notwithstanding anything herein contained, the Board has no power to sell, lease, mortgage or otherwise dispose of any land, buildings or fixtures owned by the City.

Personal  
property

**15.** All personal property employed by the City in the operation of the Hamilton Civic Hospitals on the 30th day of June, 1962, including furniture, equipment, supplies, accounts receivable and cash on hand, together with all personal property thereafter acquired by the Board, shall be deemed to be vested in the Board in trust for the City, and the Board shall,

- (a) assume responsibility for the payment of all liabilities then existing in respect to the general management, operation and maintenance of the Hamilton Civic Hospitals;

- (b) be bound by the terms of all contracts then existing made by the City in respect to the general management, operation and maintenance of the Hamilton Civic Hospitals;
- (c) forthwith enter into a collective agreement with each of the bargaining units of the employees of the Hamilton Civic Hospitals on the same terms and conditions as the collective agreements then existing between the City and each such bargaining unit;
- (d) obtain the approval of the City to any expenditure not wholly recoverable from the Hospital Services Commission of Ontario.

**16.** The auditors of the City shall be the auditors of the <sup>Auditors</sup> Board, and all books, documents, transactions and accounts of the Board shall at all times be open for the inspection of the treasurer and the auditors of the City.

**17.** In addition to the powers now conferred by *The* <sup>Powers of the City</sup> *Municipal Act* upon the councils of all municipalities to pass <sup>R.S.O. 1960, c. 249</sup> by-laws for granting aid to public hospitals, the City may from time to time,

- (a) make grants to the Board for any of the purposes of the Board;
- (b) make temporary loans to the Board of any money that, in the opinion of the treasurer of the City, may be required by the Board for the current operating expenses of the Hamilton Civic Hospitals, and may prescribe the interest chargeable, the time for repayment and the security to be given for any such loan.

**18.—(1)** The City shall, in each year, levy on the whole of the assessment for property and business assessment, <sup>City responsible for operating deficit</sup> according to the last revised assessment roll, a sum sufficient to provide for the operating deficit, if any, incurred by the Board during the preceding fiscal year according to the financial statement reported upon by the auditors of the City, and shall pay over to the Board the amount of any such operating deficit on or before the first day of May of the same year.

**(2)** In determining whether or not an operating deficit <sup>Operating deficit</sup> has been incurred by the Board within the meaning of subsection 1, the amount of the settlement of any claim, account or demand made upon the Board and the amount of any final judgment

obtained against the Board, to the extent that such settlement or judgment is not recoverable from an insurer of the Board, shall be paid by the Board and charged against the operating revenues of the Board.

City  
responsible  
for working  
capital

(3) The City shall, on or before the 30th day of June, 1962, provide the Board with such working capital as may be necessary for the general management, operation and maintenance of the Hamilton Civic Hospitals.

Annual  
report

**19.** The Board shall submit to the City an annual report on the affairs of the Hamilton Civic Hospitals for the preceding year in a form acceptable to the Council.

Gifts to  
hospitals  
deemed  
gifts to  
Board

**20.** All gifts, trusts, bequests, devises and grants of real or personal property or of the income or proceeds thereof, heretofore or hereafter expressed by any person in his deed or will, to be made, given or conveyed to the City Hospital of Hamilton now known as Hamilton General Hospital, the Mount Hamilton Hospital, the Nora-Frances Henderson Hospital or the Hamilton Civic Hospitals shall, in so far as the same shall not have vested in possession or been carried into effect at the date of the coming into force of this Act, in the absence of an expressed intention to the contrary set out in such deed or will, be construed as though the same had been expressed to be made, in the case of personal property, to the Board and, in the case of real property, to the City for the purposes of the Hamilton Civic Hospitals under this Act, and the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed or will shall pay over or transfer all such personal property to the Board and shall convey all such real property to the City, and the receipt of the Board or the City, as the case may be, shall be a sufficient discharge therefor.

Recovery  
of charges

**21.** The Board is entitled to recover from a patient, other than one who is unable by reason of poverty to pay for the same, the charges fixed by the Hospital Services Commission of Ontario for treatment in the Hamilton Civic Hospitals.

Right of  
recourse  
by City

**22.** Any payment made by the City of an account rendered to it by the Board for treatment of a patient or the payment by the City of any expenses of burial of a deceased patient shall be deemed to be a payment for which the City is entitled to exercise the right of recourse from the patient or, in the event of his decease, from his estate or personal representatives, or, in the case of a dependant, from any person liable in law with respect to such dependant, conferred upon municipalities by *The Public Hospitals Act*.

R.S.O. 1960,  
c. 322

**23.** The Board shall at all times cause to be insured all <sup>Insurance</sup> personal property vested in the Board in trust for the City, and such insurance shall include public liability and indemnity insurance in connection with all phases of the general management, operation and maintenance of the Hamilton Civic Hospitals, except only such items of liability as may be covered by *The Workmen's Compensation Act*. R.S.O. 1960,  
c. 437

**24.** All claims, accounts and demands arising from or <sup>Claims</sup> relating to the management, operation or maintenance of the Hamilton Civic Hospitals or from the exercise of any of the powers of the Board shall be made upon and brought against the Board and not upon or against the City.

**25.** Notwithstanding section 26, the lands, buildings and <sup>Property  
owned  
by City</sup> fixtures now owned by the City for hospital purposes shall continue to be vested in the City until the same or any portions thereof are sold or otherwise disposed of by the City, and the City may continue to acquire and hold lands, buildings and fixtures for hospital purposes and sell or otherwise dispose of the same or any portions thereof when no longer required for such purposes.

**26.** *An Act relating to the City Hospital of Hamilton* is <sup>1898, c. 43,  
repealed</sup> repealed.

**27.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**28.** This Act may be cited as *The Hamilton Civic Hospitals* <sup>Short title</sup> *Act, 1961-62*.

1. The first part of the book is devoted to a general introduction to the subject of the history of the world, and to a description of the various methods which have been employed by historians in the collection and arrangement of their materials.

2. The second part of the book is devoted to a description of the various methods which have been employed by historians in the collection and arrangement of their materials.

3. The third part of the book is devoted to a description of the various methods which have been employed by historians in the collection and arrangement of their materials.

4. The fourth part of the book is devoted to a description of the various methods which have been employed by historians in the collection and arrangement of their materials.

5. The fifth part of the book is devoted to a description of the various methods which have been employed by historians in the collection and arrangement of their materials.

6. The sixth part of the book is devoted to a description of the various methods which have been employed by historians in the collection and arrangement of their materials.

7. The seventh part of the book is devoted to a description of the various methods which have been employed by historians in the collection and arrangement of their materials.

8. The eighth part of the book is devoted to a description of the various methods which have been employed by historians in the collection and arrangement of their materials.

9. The ninth part of the book is devoted to a description of the various methods which have been employed by historians in the collection and arrangement of their materials.

10. The tenth part of the book is devoted to a description of the various methods which have been employed by historians in the collection and arrangement of their materials.

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG). The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG).

An Act respecting  
Hamilton Civic Hospitals

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*1st Reading*

December 7th, 1961

*2nd Reading*

April 2nd, 1962

*3rd Reading*

April 17th, 1962

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MR. EDWARDS (Wentworth)

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# **BILL Pr31**

**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**



## **An Act respecting the Township of Toronto**

**MR. DAVIS**

**(PRIVATE BILL)**



Bill Pr31

1961-62

## An Act respecting the Township of Toronto

**W**HEREAS The Corporation of the Township of Toronto <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any special or general Act, where <sup>Cost of sewers, watermains</sup> a person or corporation has paid the entire cost of trunk sanitary sewers, trunk storm and drainage sewers or trunk watermains to service his, hers or its lands and the lands of others, The Corporation of the Township of Toronto and The Public Utilities Commission of the Township of Toronto shall not be required to permit the owner of such other lands to connect to or use such works until the cost has been paid by such other owners according to the extent of their respective acreages so serviced, determined by an equal charge per acre.

(2) Subsection 1 applies where The Corporation of the <sup>Application of subs. 1</sup> Township of Toronto or The Public Utilities Commission of the Township of Toronto hereafter installs or constructs or has heretofore installed or constructed trunk sanitary sewers, trunk storm and drainage sewers or trunk watermains.

(3) The following may be included in the cost of the work: <sup>What included in cost</sup>

1. The actual cost paid.
2. Interest.

2. Where an acreage charge on any land is payable to The <sup>Building permits</sup> Corporation of the Township of Toronto or The Public Utilities Commission of the Township of Toronto, The Corporation of the Township of Toronto shall not be required to issue a building permit for such land until such charge has been paid.

Repayment  
to person  
who paid  
cost in  
first  
instance

**3.** When The Corporation of the Township of Toronto or The Public Utilities Commission of the Township of Toronto receives payment of the acreage charges mentioned in section 1, it shall pay such moneys to the person or corporation who in the first instance paid for the entire cost of the work.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Township of Toronto Act, 1961-62*.







An Act respecting  
the Township of Toronto

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*1st Reading*

December 7th, 1961

*2nd Reading*

*3rd Reading*

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MR. DAVIS

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(*Private Bill*)



**BILL Pr32**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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**An Act respecting Christ Church, Amherstburg**

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MR. PARRY

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(PRIVATE BILL)



BILL Pr32

1961-62

### An Act respecting Christ Church, Amherstburg

**W**HEREAS the Churchwardens and Rector, being the Preamble  
corporation to represent the interest of the Church, by their petition have represented that Loftus Cuddy, late of the City of Cleveland, in the State of Ohio, one of the United States of America, died in the year 1916, leaving a will, dated March 13, 1913; that probate of such will was duly granted in the year 1916 to The Citizens Savings and Trust Company of Cleveland, Ohio, named in the will; that by item 10 of such will the sum of \$5,000 was bequeathed to Christ Church (Episcopal), Amherstburg, Ontario, Canada, to be paid within two years after the decease of the testator; that such money was paid to the Church on or about September 7, 1918, and that the use thereof was restricted as follows:

"I give and bequeath to Christ's Church (Episcopal), Amherstburg, Ontario, Canada, five thousand dollars (\$5,000.00) same to be paid by my executor within two years after my decease. Said sum of five thousand dollars shall be held by said Church as a permanent endowment fund to be known as the 'Loftus Cuddy Endowment Fund' and shall be managed and invested by the Board of Trustees of said Church or such other officers as have charge of the investing of endowment funds of said Church and the income derived from said fund shall be used for the benefit of the poor of the parish connected with said Church.";

that at the time of the death of the testator there existed no provincial or dominion legislation for the relief of the poor, such as old age pensions, unemployment insurance, mothers' and widows' allowances, workmen's compensation, veterans' allowances and pensions and general welfare relief by dominion, provincial and municipal governments; that within the last eleven years there has been expended from the income derived from such fund the sum of \$199.60; that there is in such fund at the present time the sum of \$9,404.21 in two first mortgages amounting to \$6,290, a bank account

amounting to \$614.21 and dominion government bonds amounting to \$2,500; that the restrictions incidental to such trust make it impracticable to use wisely the income of such trust in its entirety; and that there is on hand a substantial sum for which there is no immediate or prospective requirement for the benefit of those designated as beneficiaries by such trust, and it is advisable that such income should be expended in the discretion of the petitioners to advance the interests, or relieve the distress, of the parish connected with the Church; and whereas the petitioners have prayed for special legislation to widen the terms of such trust to permit the use of the income therefrom for the benefit of the parish connected with the Church; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Use of  
income of  
trust fund

**1.** The Corporation of Christ Church, Amherstburg is hereby authorized, empowered and permitted to use the existing accumulated income in excess of the principal of \$5,000, together with all future income derived from such principal amount of such trust fund, for the charitable or worthy purposes of or within the parish connected with such Church.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Christ Church, Amherstburg Act, 1961-62*.







An Act respecting  
Christ Church, Amherstburg

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. PARRY

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*(Private Bill)*



**BILL Pr32**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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**An Act respecting Christ Church, Amherstburg**

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MR. PARRY

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BILL Pr32

1961-62

### An Act respecting Christ Church, Amherstburg

**W**HEREAS the Churchwardens and Rector, being the Preamble  
corporation to represent the interest of the Church, by their petition have represented that Loftus Cuddy, late of the City of Cleveland, in the State of Ohio, one of the United States of America, died in the year 1916, leaving a will, dated March 13, 1913; that probate of such will was duly granted in the year 1916 to The Citizens Savings and Trust Company of Cleveland, Ohio, named in the will; that by item 10 of such will the sum of \$5,000 was bequeathed to Christ Church (Episcopal), Amherstburg, Ontario, Canada, to be paid within two years after the decease of the testator; that such money was paid to the Church on or about September 7, 1918, and that the use thereof was restricted as follows:

"I give and bequeath to Christ's Church (Episcopal), Amherstburg, Ontario, Canada, five thousand dollars (\$5,000.00) same to be paid by my executor within two years after my decease. Said sum of five thousand dollars shall be held by said Church as a permanent endowment fund to be known as the 'Loftus Cuddy Endowment Fund' and shall be managed and invested by the Board of Trustees of said Church or such other officers as have charge of the investing of endowment funds of said Church and the income derived from said fund shall be used for the benefit of the poor of the parish connected with said Church.";

that at the time of the death of the testator there existed no provincial or dominion legislation for the relief of the poor, such as old age pensions, unemployment insurance, mothers' and widows' allowances, workmen's compensation, veterans' allowances and pensions and general welfare relief by dominion, provincial and municipal governments; that within the last eleven years there has been expended from the income derived from such fund the sum of \$199.60; that there is in such fund at the present time the sum of \$9,404.21 in two first mortgages amounting to \$6,290, a bank account

amounting to \$614.21 and dominion government bonds amounting to \$2,500; that the restrictions incidental to such trust make it impracticable to use wisely the income of such trust in its entirety; and that there is on hand a substantial sum for which there is no immediate or prospective requirement for the benefit of those designated as beneficiaries by such trust, and it is advisable that such income should be expended in the discretion of the petitioners to advance the interests, or relieve the distress, of the parish connected with the Church; and whereas the petitioners have prayed for special legislation to widen the terms of such trust to permit the use of the income therefrom for the benefit of the parish connected with the Church; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Use of  
income of  
trust fund

**1.** The Corporation of Christ Church, Amherstburg is hereby authorized, empowered and permitted to use the existing accumulated income in excess of the principal of \$5,000, together with all future income derived from such principal amount of such trust fund, for the charitable or worthy purposes of or within the parish connected with such Church.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Christ Church, Amherstburg Act, 1961-62*.





Clarendon Church, Oxford.  
1711

An Act respecting  
Christ Church, Amherstburg

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*1st Reading*

March 5th, 1962

*2nd Reading*

April 2nd, 1962

*3rd Reading*

April 17th, 1962

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MR. PARRY

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# **BILL Pr33**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting The United Church of Canada**

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**MR. SIMONETT**

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**(PRIVATE BILL)**



BILL Pr33

1961-62

### An Act respecting The United Church of Canada

**W**HEREAS The United Church of Canada by its petition <sup>Preamble</sup> has represented that it was incorporated by *The United Church of Canada Act* (Canada) and power was given to it <sup>1924, c. 100 (Can.)</sup> to make loans and invest moneys by clause *c* of section 18 of that Act; that by section 21 of *The United Church of Canada Act* (Ontario) the Church and all boards, committees or other bodies established, appointed or created by it pursuant <sup>1925, c. 125</sup> to the provisions of the Act of Incorporation or the last-mentioned Act were given all rights, powers and privileges conferred or intended to be conferred upon it or them by such Acts or either of them within Ontario; that the power of the Church to make investments was extended by *An Act to amend The United Church of Canada Act*, being chapter 84 of the Statutes of Canada, 1951, and *The United Church of Canada Act, 1951* (Ontario) to authorize investment in securities in <sup>1951, c. 118</sup> which Canadian insurance companies are authorized, from time to time by the Parliament of Canada, to invest funds subject to the limitations on investments in stocks, bonds and debentures set out in *The Canadian and British Insurance Companies Act, 1932* (Canada); and that an application has <sup>1932, c. 46 (Can.)</sup> been made to the Parliament of Canada for legislation extending the power of The United Church of Canada to invest and re-invest its moneys, including moneys held for The Pension Funds of the Church, in the investments in which Canadian insurance companies are from time to time authorized by the *Canadian and British Insurance Companies Act*, except as to the limitation set out in subsection 7 of section 63 thereof, to invest and re-invest their moneys; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; <sup>R.S.C. 1952, c. 31</sup>

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Invest-  
ments

**1.**—(1) If the Parliament of Canada authorizes The United Church of Canada to make such investments, The United Church of Canada and all boards, committees or other bodies established, appointed or created by it pursuant to *The United Church of Canada Act* (Canada) and *The United Church of Canada Act* (Ontario) shall have and may exercise within Ontario power to invest and re-invest its moneys, including moneys held for The Pension Funds of the Church, in the investments in which Canadian insurance companies are from time to time authorized by the *Canadian and British Insurance Companies Act* (Canada) to invest and re-invest their moneys, and shall have all such rights and remedies for the collection, enforcement or repayment thereof as any individual or corporation would have by law in the premises.

1924, c. 100  
(Can.)  
1925, c. 125

R.S.C. 1952,  
c. 31

## Limitation

(2) Such investments are not subject to the limitation set out in subsection 7 of section 63 of the *Canadian and British Insurance Companies Act* (Canada).

1951, c. 118,  
repealed

**2.** When section 1 becomes effective by virtue of The United Church of Canada being authorized by the Parliament of Canada to make the investments referred to in subsection 1 of section 1, *The United Church of Canada Act, 1951* (Ontario) is repealed.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

## Short title

**4.** This Act may be cited as *The United Church of Canada Act, 1961-62*.







An Act respecting  
The United Church of Canada

---

*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. SIMONETT

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*(Private Bill)*



**BILL Pr33**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting The United Church of Canada**

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**MR. SIMONETT**

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Received of Mr. J. H. ...

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BILL Pr33

1961-62

## An Act respecting The United Church of Canada

**W**HEREAS The United Church of Canada by its petition <sup>Preamble</sup> has represented that it was incorporated by *The United Church of Canada Act* (Canada) and power was given to it to make loans and invest moneys by clause c of section 18 of that Act; that by section 21 of *The United Church of Canada Act* (Ontario) the Church and all boards, committees or other bodies established, appointed or created by it pursuant to the provisions of the Act of Incorporation or the last-mentioned Act were given all rights, powers and privileges conferred or intended to be conferred upon it or them by such Acts or either of them within Ontario; that the power of the Church to make investments was extended by *An Act to amend The United Church of Canada Act*, being chapter 84 of the Statutes of Canada, 1951, and *The United Church of Canada Act, 1951* (Ontario) to authorize investment in securities in which Canadian insurance companies are authorized, from time to time by the Parliament of Canada, to invest funds subject to the limitations on investments in stocks, bonds and debentures set out in *The Canadian and British Insurance Companies Act, 1932* (Canada); and that an application has been made to the Parliament of Canada for legislation extending the power of The United Church of Canada to invest and re-invest its moneys, including moneys held for The Pension Funds of the Church, in the investments in which Canadian insurance companies are from time to time authorized by the *Canadian and British Insurance Companies Act*, except as to the limitation set out in subsection 7 of section 63 thereof, to invest and re-invest their moneys; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Invest-  
ments1924, c. 100  
(Can.)  
1925, c. 125R.S.C. 1952,  
c. 31

**1.**—(1) If the Parliament of Canada authorizes The United Church of Canada to make such investments, The United Church of Canada and all boards, committees or other bodies established, appointed or created by it pursuant to *The United Church of Canada Act* (Canada) and *The United Church of Canada Act* (Ontario) shall have and may exercise within Ontario power to invest and re-invest its moneys, including moneys held for The Pension Funds of the Church, in the investments in which Canadian insurance companies are from time to time authorized by the *Canadian and British Insurance Companies Act* (Canada) to invest and re-invest their moneys, and shall have all such rights and remedies for the collection, enforcement or repayment thereof as any individual or corporation would have by law in the premises.

## Limitation

1951, c. 118,  
repealed

(2) Such investments are not subject to the limitation set out in subsection 7 of section 63 of the *Canadian and British Insurance Companies Act* (Canada).

**2.** When section 1 becomes effective by virtue of The United Church of Canada being authorized by the Parliament of Canada to make the investments referred to in subsection 1 of section 1, *The United Church of Canada Act, 1951* (Ontario) is repealed.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

## Short title

**4.** This Act may be cited as *The United Church of Canada Act, 1961-62*.







An Act respecting  
The United Church of Canada

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*1st Reading*

March 5th, 1962

*2nd Reading*

April 2nd, 1962

*3rd Reading*

April 17th, 1962

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MR. SIMONETT

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# **BILL Pr34**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the Baudette and Rainy River Municipal Bridge**

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**MR. NODEN**

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**(PRIVATE BILL)**



BILL Pr34

1961-62

## An Act respecting the Baudette and Rainy River Municipal Bridge

**W**HEREAS The Corporation of the Town of Rainy River Preamble  
by its petition has prayed for special legislation exempt-  
ing Baudette and Rainy River Municipal Bridge Company,  
the Village of Baudette, and the Baudette and Rainy River  
Municipal Bridge, and any structures and property forming  
part of, or used in connection with, the said bridge, from any  
municipal taxation of any kind by The Corporation of the  
Town of Rainy River that might otherwise be assessed by  
The Corporation of the Town of Rainy River against Baudette  
and Rainy River Municipal Bridge Company, the Village of  
Baudette, and the Baudette and Rainy River Municipal  
Bridge, and any structures and property forming part of, or  
used in connection with, the said bridge; and whereas an  
application is being made by Baudette and Rainy River  
Municipal Bridge Company to the Governor in Council for  
sanction of an assignment, transfer and conveyance to the  
Village of Baudette of the said bridge and all rights and  
powers acquired by Baudette and Rainy River Municipal  
Bridge Company, including those rights and powers acquired  
under *An Act to incorporate Baudette and Rainy River Municipal* 1955.  
*Bridge Company*; and whereas The Corporation of the Town c. 61 (Can.)  
of Rainy River has represented that the Baudette and Rainy  
River Municipal Bridge is exempt from municipal taxation in  
the State of Minnesota; and whereas it is expedient to grant  
the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The council of The Corporation of the Town of Rainy Exemption  
from  
taxation  
authorized  
River may by by-law exempt Baudette and Rainy River  
Municipal Bridge Company, the Village of Baudette in the  
State of Minnesota, one of the United States of America,  
and the Baudette and Rainy River Municipal Bridge, and  
any structures and property forming part of, or used in  
connection with, the said bridge, from all municipal taxation

by The Corporation of the Town of Rainy River, including, without limiting the generality of the foregoing, local improvement and school rates and business taxes, that might otherwise be assessed by The Corporation of the Town of Rainy River against Baudette and Rainy River Municipal Bridge Company, the Village of Baudette, and the Baudette and Rainy River Municipal Bridge, and any structures and property forming part of, or used in connection with, the said bridge, by virtue of the ownership and operation by Baudette and Rainy River Municipal Bridge Company, or the Village of Baudette, of the said bridge, and of any structures and property forming part of, or used in connection with, the said bridge.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Baudette and Rainy River Municipal Bridge Act, 1961-62*.







An Act respecting the Baudette and  
Rainy River Municipal Bridge

---

*1st Reading*

March 5th, 1962

*2nd Reading*

*3rd Reading*

---

MR. NODEN

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(*Private Bill*)



# **BILL Pr34**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the Baudette and Rainy River Municipal Bridge**

---

**MR. NODEN**

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BILL Pr34

1961-62

## An Act respecting the Baudette and Rainy River Municipal Bridge

**W**HEREAS The Corporation of the Town of Rainy River <sup>Preamble</sup> by its petition has prayed for special legislation exempting Baudette and Rainy River Municipal Bridge Company, the Village of Baudette, and the Baudette and Rainy River Municipal Bridge, and any structures and property forming part of, or used in connection with, the said bridge, from any municipal taxation of any kind by The Corporation of the Town of Rainy River that might otherwise be assessed by The Corporation of the Town of Rainy River against Baudette and Rainy River Municipal Bridge Company, the Village of Baudette, and the Baudette and Rainy River Municipal Bridge, and any structures and property forming part of, or used in connection with, the said bridge; and whereas an application is being made by Baudette and Rainy River Municipal Bridge Company to the Governor in Council for sanction of an assignment, transfer and conveyance to the Village of Baudette of the said bridge and all rights and powers acquired by Baudette and Rainy River Municipal Bridge Company, including those rights and powers acquired under *An Act to incorporate Baudette and Rainy River Municipal Bridge Company*; and whereas The Corporation of the Town of Rainy River has represented that the Baudette and Rainy River Municipal Bridge is exempt from municipal taxation in the State of Minnesota; and whereas it is expedient to grant the prayer of the petition;

1955,  
c. 61 (Can.)

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Town of Rainy River may by by-law exempt Baudette and Rainy River Municipal Bridge Company, the Village of Baudette in the State of Minnesota, one of the United States of America, and the Baudette and Rainy River Municipal Bridge, and any structures and property forming part of, or used in connection with, the said bridge, from all municipal taxation

Exemption  
from  
taxation  
authorized

by The Corporation of the Town of Rainy River, including, without limiting the generality of the foregoing, local improvement and school rates and business taxes, that might otherwise be assessed by The Corporation of the Town of Rainy River against Baudette and Rainy River Municipal Bridge Company, the Village of Baudette, and the Baudette and Rainy River Municipal Bridge, and any structures and property forming part of, or used in connection with, the said bridge, by virtue of the ownership and operation by Baudette and Rainy River Municipal Bridge Company, or the Village of Baudette, of the said bridge, and of any structures and property forming part of, or used in connection with, the said bridge.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Baudette and Rainy River Municipal Bridge Act, 1961-62*.







An Act respecting the Baudette and  
Rainy River Municipal Bridge

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*1st Reading*

March 5th, 1962

*2nd Reading*

April 2nd, 1962

*3rd Reading*

April 17th, 1962

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MR. NODEN

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# **BILL Pr35**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting Laurentian University of Sudbury**

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**MR. BELISLE**

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**(PRIVATE BILL)**



BILL Pr35

1961-62

## An Act respecting Laurentian University of Sudbury

**W**HEREAS Laurentian University of Sudbury by its Preamble petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Laurentian University of Sudbury Act*, 1960, c. 151.  
1960 is repealed and the following substituted therefor: s. 1, re-enacted

1. In this Act,

Interpre-  
tation

- (a) "affiliated college" means a college affiliated with the University;
- (b) "Board" means the Board of Governors of the University;
- (c) "college" means an institution of higher learning;
- (d) "federated college" means a college federated with the University;
- (e) "federated university" means a university federated with the University;
- (f) "property" includes all property, both real and personal;
- (g) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof or any estate or interest therein;

- (h) "Senate" means the Senate of the University;
- (i) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction;
- (j) "University" means Laurentian University of Sudbury.

1960, c. 151,  
ss. 4, 5,  
re-enacted

**2.** Sections 4 and 5 of *The Laurentian University of Sudbury Act, 1960* are repealed and the following substituted therefor:

Powers:

4.—(1) The University has university powers, including the power,

establish  
courses

- (a) to establish and maintain, in either or both of the French and English languages, such faculties, schools, institutes, departments and chairs as determined by the Board, other than those already established by The University of Sudbury, which faculties, schools, institutes, departments and chairs are continued in the University under authority of the Board and Senate;

degrees

- (b) to confer university degrees, honorary degrees, awards and diplomas in any and all branches of learning, except in Theology;

University  
College

- (c) to establish a college of the University within the Faculty of Arts and Science, to be known as University College, which college shall give instruction in either or both of the French and English languages in such subjects, excepting religious knowledge, as may from time to time be approved by the Faculty of Arts and Science of the University and be consented to by the Senate and Board, and the University shall accept such courses in partial fulfilment of the requirements for a degree under the same academic terms and conditions as would obtain if the instruction were given in the University;

federation  
of church-  
related  
colleges

- (d) to admit church-related universities or colleges into federation as colleges of the Faculty of Arts and Science, which church-related universities or colleges have the right to give

instruction in philosophy and religious knowledge and in such other subjects as may from time to time be approved by the Faculty of Arts and Science of the University and be consented to by the Senate and Board, and the University shall accept such courses in partial fulfilment of the requirements for a degree under the same academic terms and conditions as would obtain if the instruction were given in University College;

- (e) to permit federation or affiliation of other colleges or universities with the University and to make agreements for federation or affiliation with other colleges or universities, provided that Hearst College and Prince Albert College, presently affiliated with The University of Sudbury, may enter into agreements to affiliated with the University; <sup>federation</sup>
- (f) in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy any estate or property whatsoever, and to sell, grant, convey, mortgage, hypothecate, pledge, charge, lease or otherwise dispose of the same or any part thereof from time to time as occasion may require and to acquire other estate and property in addition thereto without licence in mortmain and without limitation as to the period of holding; <sup>University property R.S.O. 1960, c. 191</sup>
- (g) without the consent of the owner or of any person interested therein, other than a municipal corporation, to enter upon, take, use and expropriate all such real property as it deems necessary for the purposes of the University, making due compensation for any such real property to the owners and occupiers thereof and all persons having an interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation apply *mutatis mutandis* to the University and to the exercise by it of the powers conferred by this Act, and, where any act is by any of such provisions required to be done by the <sup>expropriation R.S.O. 1960, c. 249</sup>

clerk of a municipality or at the office of such clerk, the like act shall be done by or at the office of the secretary of the Board;

borrowing

(h) if authorized by by-law of the Board,

- (i) to borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board,
- (ii) to make, draw and endorse promissory notes or bills of exchange,
- (iii) to hypothecate, pledge, charge or mortgage any or all of its property to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it,
- (iv) to issue bonds, debentures and obligations on such terms and conditions as the Board may decide and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide and hypothecate, pledge, charge or mortgage all or any part of the property of the University to secure any such bonds, debentures and obligations.

Enrolment  
of students

- (2) Every undergraduate student in the Faculty of Arts and Science shall enrol either in University College or in one of the church-related colleges of the Faculty.

University  
non-denomi-  
national

5. The management and control of the University shall be non-denominational, and no religious test shall be required of any professor, lecturer, teacher, officer, employee, servant or student of the University, but such management and control shall be based upon Christian principles.

1960, c. 151,  
s. 10,  
amended

**3.** Section 10 of *The Laurentian University of Sudbury Act, 1960* is amended by striking out "whatsoever" in the third and fourth lines and inserting in lieu thereof "whomsoever", so that the section shall read as follows:

10. Nothing herein contained has the effect of, or shall be construed to have the effect of, rendering all or any of the members or officers of the University, or any person whomsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the University or for or on account or in respect of the University or for or on account or in respect of any matter or thing whatsoever relating to the University. Members and officers not individually liable for debts
4. Sections 13 to 28 of *The Laurentian University of Sudbury Act, 1960* are repealed and the following substituted therefor: 1960, c. 151, ss. 13-28, re-enacted
13. The persons named in section 2 and five persons to be named by the Lieutenant Governor in Council, together with the President when appointed, shall constitute the Board of Governors of the University. Constitution of Board
14. The members of the Board shall hold office as follows: Terms of office
- (a) of the members mentioned in section 2, six shall hold office for a period of one year, six shall hold office for a period of two years, and seven shall hold office for a period of three years, and, as the term of any such member expires, the vacancy shall be filled by election by the Board, and such election shall be for a period of three years, and so on from time to time;
  - (b) the members of the Board appointed by the Lieutenant Governor in Council shall hold office for three years and until their successors are appointed by the Lieutenant Governor in Council;
  - (c) as the term of any member of the Board expires, such member is eligible for re-election or re-appointment.
15. Except as otherwise provided in this Act, no principal or head of any of the academic units of the University or of any federated or affiliated college, or any member of the teaching and administrative staff of the University or of any federated or affiliated college or any member of the staff, Board, Senate or governing body of any other degree-granting institution is eligible for appointment or election as a member of the Board. Eligibility

Filling  
vacancies

16. Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled by the Board, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Chairman  
and vice-  
chairman

- 17.—(1) The Board shall elect one of its members to be chairman and one of its members to be vice-chairman, and, in case of the absence or illness of the chairman or of there being a vacancy in the office of the chairman, the vice-chairman shall act as and have all the powers of the chairman.

Idem

- (2) In case of the absence or illness of the chairman and the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore*, and the member so appointed shall act as and have all the powers of the chairman.

Manage-  
ment of  
University  
vested in  
Board

- 18.—(1) Except as to such matters as are by this Act specifically assigned to the President, the Senate, federated universities and federated colleges, all powers over, in respect of or in relation to the government, financial management and control of the University and of its officers, servants and agents, its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University and, without limiting the generality of the foregoing, has power,

(a) to appoint and dismiss the President and Vice-Presidents;

(b) upon the recommendation of the President, to appoint and dismiss the heads and associate heads of the faculties, departments and colleges of the University, other than of federated universities or colleges or of affiliated universities or colleges, and the professors and other members of the teaching staff of the University, other than of federated universities or colleges or of affiliated universities or colleges, and to appoint and dismiss all other officers, servants, agents and employees of the University, other than of federated universities or colleges and other than of affiliated universities or colleges, and the tenure of office



and employment of all such appointments made by the Board shall, unless otherwise provided, be during the pleasure of the Board;

- (c) to determine and fix the salaries of the President, the Vice-Presidents and all other members of the teaching staff and all servants, agents and employees of the University;
  - (d) to appoint an executive committee of five members and to define its powers.
- (2) No action of the Board shall require confirmation <sup>Idem</sup> by the members of the University.
- (3) All the powers over, in respect of or in relation to <sup>Idem</sup> the University and University College, which are not by the terms of this Act directed to be exercised by any other person or body of persons, are hereby, subject to the provisions of this Act, vested in the Board.
- (4) The Board has power to make by-laws, resolutions or regulations, <sup>Power of Board to make by-laws, etc.</sup>
- (a) pertaining to the meetings of the Board and its transactions, and fixing the quorum of the Board;
  - (b) providing for the appointment of committees by the Board and for the conferring upon any of such committees of authority to act for the Board with respect to any matters or class or classes of matters, but,
    - (i) a majority of the members of every such committee, including in the computation thereof the *ex officio* members, shall be members of the Board, and
    - (ii) no decision of a committee, which includes in its membership persons who are not members of the Board, shall be valid or effective until approved and ratified by the Board;
  - (c) providing for the retirement and superannuation of the persons mentioned in clauses *a* and *b* of subsection 1;

- (d) providing for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities or life insurance, or any combination thereof, payable to, in respect of or for the benefit of the persons mentioned in clauses *a* and *b* of subsection 1, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise, whether affected by agreements or arrangements entered into with one or more insurance companies licensed to transact business in Ontario or with Her Majesty in right of Ontario, or Her Majesty in right of Canada, or otherwise; and
- (e) providing for and governing a health service and health examination and physical instruction and training of the students of the University and University College.

Idem

- (5) Save as in this Act otherwise expressly provided, the action of the Board in any matter with which it may deal shall be by by-law, resolution or regulation, as the Board may determine, but it is not essential to the validity of any such by-law, resolution or regulation that it be under the corporate seal of the University if it is authenticated in the manner prescribed by the Board.

Composition  
of Senate

- 19. There shall be a Senate of the University composed of,
  - (a) the President, *ex officio*, who shall be its chairman;
  - (b) the Academic Vice-President, *ex officio*, when there is such an official;
  - (c) the principal or head of each federated university and college;
  - (d) the dean of each faculty and school of the University;
  - (e) the Librarian;
  - (f) the Registrar of the University, who shall be the secretary of the Senate;
  - (g) the Director of the Extension Department of the University;

- (h) one full-time professor elected annually by each federated university and college;
  - (i) two full-time professors elected annually by each faculty, school and college of the University.
20. No person is eligible for appointment as a member of the Senate who is a member of a governing body or senate or faculty of any degree-granting university, college or institution of higher learning, other than the University and its federated and affiliated colleges. <sup>Ineligibility of members of another university</sup>
21. The Senate is responsible for the educational policy of the University, and, with the approval of the Board in so far as the expenditure of funds and establishment of facilities are concerned, may create faculties, schools, institutes, departments, chairs or courses of instruction within the University, may create faculty councils to act as committees which may recommend to the Senate regulations respecting the admission of the students, courses of study and requirements for graduation, may pass by-laws, resolutions and regulations in respect of matters in this section referred to, and may from time to time amend or replace any of its by-laws, resolutions and regulations, and, without limiting the generality of the foregoing, the Senate has power, <sup>Powers of Senate</sup>
- (a) to conduct examinations and appoint examiners;
  - (b) to deal with matters that arise in connection with the award of fellowships, scholarships, medals, prizes and other awards;
  - (c) to confer degrees of Bachelor, Master and Doctor in the several arts, sciences and faculties and all other degrees that may appropriately be conferred by a university, except degrees in Theology;
  - (d) to confer honorary degrees with the concurrence of the Board.
22. In addition to such other powers and duties as are expressly mentioned in this Act, the Senate shall, <sup>Idem</sup>
- (a) provide for the regulation and conduct of its proceedings, including the determination of a quorum necessary for the transaction of business;

- (b) provide for the convening and conduct of such Convocations as may be requisite for the purposes set out in this Act;
- (c) recommend to the Board the federation or affiliation of any university or college, the dissolution or suspension of any such federation or affiliation or the modification or alteration of the terms thereof;
- (d) consider and determine, on the recommendations of the respective faculty and school councils, the courses of study in all faculties and schools;
- (e) provide, if deemed necessary by the Senate, for an executive committee, which shall act in the name and on behalf of the Senate, whose constitution and powers shall be as the Senate may from time to time determine;
- (f) consider all such matters as are reported to it by any faculty council and communicate its opinion or action thereon to the faculty council;
- (g) make rules and regulations for the management and conduct of the library, and prescribe the duties of the Librarian;
- (h) make such changes in the composition of the Senate as may be deemed expedient; provided that no change shall be made that affects the rights of representation thereon of a federated university or college, unless the change is assented to by the federated university or college affected by the change and is approved by the Board.

23. There shall be a committee, to be called the Court of Discipline, which shall be composed of the President, who shall be the chairman, the Registrar of the University, the principal or head of University College and of each federated university or college, the Dean of Men and the Dean of Women, if and when appointed, and the dean of each faculty or school of the University, and the presence of at least four members constitutes a quorum at a meeting of the Court of Discipline.

- 24.—(1) The governing body of each federated university or college has disciplinary jurisdiction over and the entire responsibility for the conduct of its students in respect of all matters arising or occurring in or upon its university or college buildings and grounds, including residences. <sup>Disciplinary jurisdiction of governing bodies</sup>
- (2) In all other cases, as respects all students of the University and of each federated university or college, disciplinary action is vested in the Court of Discipline, but the Court of Discipline may delegate its authority in any particular case or by general regulations to the governing body of the faculty, school or college to which the student belongs. <sup>Disciplinary jurisdiction of Court of Discipline</sup>
- 25.—(1) The power of the Court of Discipline includes power to suspend, to impose fines and to recommend to the Senate the withholding of degrees, diplomas, certificates or academic standing. <sup>Punishment</sup>
- (2) In cases involving conduct that the Court of Discipline or the governing body of a federated university or college considers may warrant the punishment of expulsion, the Court of Discipline has power to award, either in addition to or in substitution for any other punishment that may be awarded, the punishment of expulsion, subject to confirmation by the Board, whose decision is final and not open to review. <sup>Expulsion</sup>
26. With respect to the conduct and discipline as students of the University of all students enrolled in any federated university or college or in University College, the provisions of sections 24 and 25 may be abrogated or changed by the Board. <sup>Power to change provisions re discipline</sup>
27. Subject to the ratification of the Board and of the Senate, the Court of Discipline has power to cancel, recall or suspend a degree, whether heretofore or hereafter granted or conferred, of any graduate of the University heretofore or hereafter convicted in Ontario or elsewhere of an offence that, if committed in Canada, would be an indictable offence, or heretofore or hereafter guilty of any infamous or disgraceful conduct or of conduct unbecoming a graduate of the University, and to erase the name of such graduate from the roll or register of graduates and to require the surrender for cancellation of the diploma, certificate or other instrument evidencing the right of such graduate to the degree, and to <sup>Cancellation, recall or suspension of degrees</sup>

provide the mode of inquiring into and determining the guilt of such graduate, and the procedure generally in respect of any matter, and, for the purpose of making such inquiry, the Court of Discipline has all the powers that may be conferred upon commissioners appointed under *The Public Inquiries Act*.

R.S.O. 1960,  
c. 308

Suspension  
of degree-  
granting  
rights of  
federated  
colleges

28. If any university or college is federated or affiliated with the University and has the right to grant degrees, such right, except for degrees in Theology, shall remain dormant during the time that such university or college remains federated or affiliated with the University.

President

- 29.—(1) There shall be a President of the University who shall be appointed by the Board and who, unless otherwise provided, shall hold office during the pleasure of the Board.

Idem

- (2) The President is the chief executive officer of the University and chairman of the Senate and has supervision over and direction of the academic work and general administration of the University and the teaching staff thereof, and the students thereof, and the officers and servants thereof, and has such other powers and duties as may from time to time be conferred upon him by the Board.

Vice-  
Presidents

- (3) The Board may appoint one or more Vice-Presidents, who have such powers and duties as may be conferred upon or assigned to them by the Board.

Accounts

30. The accounts of the University shall be audited at least once a year by an auditor or auditors appointed by the Board.

Reports

31. The Board shall submit to the Lieutenant Governor in Council, upon request, the annual report of the University and such other reports as may be so requested from time to time.

1960, c. 151,  
ss. 29, 30,  
re-numbered

5. Sections 29 and 30 of *The Laurentian University of Sudbury Act, 1960* are renumbered as sections 32 and 33.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Laurentian University of Sudbury Act, 1961-62*.



An Act respecting  
Laurentian University of Sudbury

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. BELISLE

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(*Private Bill*)



# **BILL Pr35**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting Laurentian University of Sudbury**

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**MR. BELISLE**

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*(Reprinted as amended by the Committee on Private Bills)*



BILL Pr35

1961-62

## An Act respecting Laurentian University of Sudbury

**W**HEREAS Laurentian University of Sudbury by its Preamble petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Laurentian University of Sudbury Act*, 1960, c. 151, s. 1, re-enacted 1960 is repealed and the following substituted therefor:

1. In this Act,

Interpre-  
tation

- (a) "affiliated college" means a college affiliated with the University;
- (b) "Board" means the Board of Governors of the University;
- (c) "college" means an institution of higher learning;
- (d) "federated college" means a college federated with the University;
- (e) "federated university" means a university federated with the University;
- (f) "property" includes all property, both real and personal;
- (g) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof or any estate or interest therein;

(h) "Senate" means the Senate of the University;

(i) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction;

(j) "University" means Laurentian University of Sudbury.

1960, c. 151,  
ss. 4, 5,  
re-enacted

**2.** Sections 4 and 5 of *The Laurentian University of Sudbury Act, 1960* are repealed and the following substituted therefor:

Powers:

4.—(1) The University has university powers, including the power,

establish  
courses

(a) to establish and maintain, in either or both of the French and English languages, such faculties, schools, institutes, departments and chairs as determined by the Board, other than those already established by The University of Sudbury, which faculties, schools, institutes, departments and chairs are continued in the University under authority of the Board and Senate;

degrees

(b) to confer university degrees, honorary degrees, awards and diplomas in any and all branches of learning, except in Theology;

University  
College

(c) to establish a college of the University within the Faculty of Arts and Science, to be known as University College, which college shall give instruction in either or both of the French and English languages in such subjects, excepting religious knowledge, as may from time to time be approved by the Faculty of Arts and Science of the University and be consented to by the Senate and Board, and the University shall accept such courses in partial fulfilment of the requirements for a degree under the same academic terms and conditions as would obtain if the instruction were given in the University;

federation  
of church-  
related  
colleges

(d) to admit church-related universities or colleges into federation as colleges of the Faculty of Arts and Science, which church-related universities or colleges have the right to give

instruction in philosophy and religious knowledge and in such other subjects as may from time to time be approved by the Faculty of Arts and Science of the University and be consented to by the Senate and Board, and the University shall accept such courses in partial fulfilment of the requirements for a degree under the same academic terms and conditions as would obtain if the instruction were given in University College;

- (e) to permit federation or affiliation of other colleges or universities with the University and to make agreements for federation or affiliation with other colleges or universities, provided that Hearst College and Prince Albert College, presently affiliated with The University of Sudbury, may enter into agreements to affiliated with the University; <sup>federation</sup>
- (f) in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy any estate or property whatsoever, and to sell, grant, convey, mortgage, hypothecate, pledge, charge, lease or otherwise dispose of the same or any part thereof from time to time as occasion may require and to acquire other estate and property in addition thereto without licence in mortmain and without limitation as to the period of holding; <sup>University property R.S.O. 1960, c. 191</sup>
- (g) without the consent of the owner or of any person interested therein, other than a municipal corporation, to enter upon, take, use and expropriate all such real property as it deems necessary for the purposes of the University, making due compensation for any such real property to the owners and occupiers thereof and all persons having an interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation apply *mutatis mutandis* to the University and to the exercise by it of the powers conferred by this Act, and, where any act is by any of such provisions required to be done by the <sup>expropriation R.S.O. 1960, c. 249</sup>

clerk of a municipality or at the office of such clerk, the like act shall be done by or at the office of the secretary of the Board;

borrowing

(h) if authorized by by-law of the Board,

- (i) to borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board,
- (ii) to make, draw and endorse promissory notes or bills of exchange,
- (iii) to hypothecate, pledge, charge or mortgage any or all of its property to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it,
- (iv) to issue bonds, debentures and obligations on such terms and conditions as the Board may decide and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide and hypothecate, pledge, charge or mortgage all or any part of the property of the University to secure any such bonds, debentures and obligations.

Enrolment  
of students

- (2) Every undergraduate student in the Faculty of Arts and Science shall enrol either in University College or in one of the church-related colleges of the Faculty.

University  
non-denomi-  
national

5. The management and control of the University shall be non-denominational, and no religious test shall be required of any professor, lecturer, teacher, officer, employee, servant or student of the University, but such management and control shall be based upon Christian principles.

1960, c. 151,  
s. 10,  
amended

**3.** Section 10 of *The Laurentian University of Sudbury Act, 1960* is amended by striking out "whatsoever" in the third and fourth lines and inserting in lieu thereof "whomsoever", so that the section shall read as follows:

10. Nothing herein contained has the effect of, or shall be construed to have the effect of, rendering all or any of the members or officers of the University, or any person whomsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the University or for or on account or in respect of the University or for or on account or in respect of any matter or thing whatsoever relating to the University. Members and officers not individually liable for debts
4. Sections 13 to 28 of *The Laurentian University of Sudbury Act, 1960* are repealed and the following substituted therefor: 1960, c. 151, ss. 13-28, re-enacted
13. The persons named in section 2 and five persons to be named by the Lieutenant Governor in Council, together with the President when appointed, shall constitute the Board of Governors of the University. Constitution of Board
14. The members of the Board shall hold office as follows: Terms of office
- (a) of the members mentioned in section 2, six shall hold office for a period of one year, six shall hold office for a period of two years, and seven shall hold office for a period of three years, and, as the term of any such member expires, the vacancy shall be filled by election by the Board, and such election shall be for a period of three years, and so on from time to time;
  - (b) the members of the Board appointed by the Lieutenant Governor in Council shall hold office for three years and until their successors are appointed by the Lieutenant Governor in Council;
  - (c) as the term of any member of the Board expires, such member is eligible for re-election or re-appointment.
15. Except as otherwise provided in this Act, no principal or head of any of the academic units of the University or of any federated or affiliated college, or any member of the teaching and administrative staff of the University or of any federated or affiliated college or any member of the staff, Board, Senate or governing body of any other degree-granting institution is eligible for appointment or election as a member of the Board. Eligibility

Filling  
vacancies

16. Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled by the Board, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Chairman  
and vice-  
chairman

- 17.—(1) The Board shall elect one of its members to be chairman and one of its members to be vice-chairman, and, in case of the absence or illness of the chairman or of there being a vacancy in the office of the chairman, the vice-chairman shall act as and have all the powers of the chairman.

Idem

- (2) In case of the absence or illness of the chairman and the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore*, and the member so appointed shall act as and have all the powers of the chairman.

Manage-  
ment, of  
University  
vested in  
Board

- 18.—(1) Except as to such matters as are by this Act specifically assigned to the President, the Senate, federated universities and federated colleges, all powers over, in respect of or in relation to the government, financial management and control of the University and of its officers, servants and agents, its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University and, without limiting the generality of the foregoing, has power,

(a) to appoint and dismiss the President and Vice-Presidents;

(b) upon the recommendation of the President, to appoint and dismiss the heads and associate heads of the faculties, departments and colleges of the University, other than of federated universities or colleges or of affiliated universities or colleges, and the professors and other members of the teaching staff of the University, other than of federated universities or colleges or of affiliated universities or colleges, and to appoint and dismiss all other officers, servants, agents and employees of the University, other than of federated universities or colleges and other than of affiliated universities or colleges, and the tenure of office



and employment of all such appointments made by the Board shall, unless otherwise provided, be during the pleasure of the Board;

- (c) to determine and fix the salaries of the President, the Vice-Presidents and all other members of the teaching staff and all servants, agents and employees of the University;
  - (d) to appoint an executive committee of five members and to define its powers.
- (2) No action of the Board shall require confirmation <sup>Idem</sup> by the members of the University.
- (3) All the powers over, in respect of or in relation to <sup>Idem</sup> the University and University College, which are not by the terms of this Act directed to be exercised by any other person or body of persons, are hereby, subject to the provisions of this Act, vested in the Board.
- (4) The Board has power to make by-laws, resolutions or regulations, <sup>Power of Board to make by-laws, etc.</sup>
- (a) pertaining to the meetings of the Board and its transactions, and fixing the quorum of the Board;
  - (b) providing for the appointment of committees by the Board and for the conferring upon any of such committees of authority to act for the Board with respect to any matters or class or classes of matters, but,
    - (i) a majority of the members of every such committee, including in the computation thereof the *ex officio* members, shall be members of the Board, and
    - (ii) no decision of a committee, which includes in its membership persons who are not members of the Board, shall be valid or effective until approved and ratified by the Board;
  - (c) providing for the retirement and superannuation of the persons mentioned in clauses *a* and *b* of subsection 1;

- (d) providing for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities or life insurance, or any combination thereof, payable to, in respect of or for the benefit of the persons mentioned in clauses *a* and *b* of subsection 1, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise, whether affected by agreements or arrangements entered into with one or more insurance companies licensed to transact business in Ontario or with Her Majesty in right of Ontario, or Her Majesty in right of Canada, or otherwise; and
- (e) providing for and governing a health service and health examination and physical instruction and training of the students of the University and University College.

Idem

- (5) Save as in this Act otherwise expressly provided, the action of the Board in any matter with which it may deal shall be by by-law, resolution or regulation, as the Board may determine, but it is not essential to the validity of any such by-law, resolution or regulation that it be under the corporate seal of the University if it is authenticated in the manner prescribed by the Board.

Composition  
of Senate

19. There shall be a Senate of the University composed of,
- (a) the President, *ex officio*, who shall be its chairman;
  - (b) the Academic Vice-President, *ex officio*, when there is such an official;
  - (c) the principal or head of each federated university and college;
  - (d) the dean of each faculty and school of the University;
  - (e) the Librarian;
  - (f) the Registrar of the University, who shall be the secretary of the Senate;
  - (g) the Director of the Extension Department of the University;

- (h) one full-time professor elected annually by each federated university and college;
  - (i) two full-time professors elected annually by each faculty, school and college of the University.
20. No person is eligible for appointment as a member of the Senate who is a member of a governing body or senate or faculty of any degree-granting university, college or institution of higher learning, other than the University and its federated and affiliated colleges. <sup>Ineligibility of members of another university</sup>
21. The Senate is responsible for the educational policy of the University, and, with the approval of the Board in so far as the expenditure of funds and establishment of facilities are concerned, may create faculties, schools, institutes, departments, chairs or courses of instruction within the University, may create faculty councils to act as committees which may recommend to the Senate regulations respecting the admission of the students, courses of study and requirements for graduation, may pass by-laws, resolutions and regulations in respect of matters in this section referred to, and may from time to time amend or replace any of its by-laws, resolutions and regulations, and, without limiting the generality of the foregoing, the Senate has power, <sup>Powers of Senate</sup>
- (a) to conduct examinations and appoint examiners;
  - (b) to deal with matters that arise in connection with the award of fellowships, scholarships, medals, prizes and other awards;
  - (c) to confer degrees of Bachelor, Master and Doctor in the several arts, sciences and faculties and all other degrees that may appropriately be conferred by a university, except degrees in Theology;
  - (d) to confer honorary degrees with the concurrence of the Board.
22. In addition to such other powers and duties as are expressly mentioned in this Act, the Senate shall, <sup>Idem</sup>
- (a) provide for the regulation and conduct of its proceedings, including the determination of a quorum necessary for the transaction of business;

- (b) provide for the convening and conduct of such Convocations as may be requisite for the purposes set out in this Act;
- (c) recommend to the Board the federation or affiliation of any university or college, the dissolution or suspension of any such federation or affiliation or the modification or alteration of the terms thereof;
- (d) consider and determine, on the recommendations of the respective faculty and school councils, the courses of study in all faculties and schools;
- (e) provide, if deemed necessary by the Senate, for an executive committee, which shall act in the name and on behalf of the Senate, whose constitution and powers shall be as the Senate may from time to time determine;
- (f) consider all such matters as are reported to it by any faculty council and communicate its opinion or action thereon to the faculty council;
- (g) make rules and regulations for the management and conduct of the library, and prescribe the duties of the Librarian;
- (h) make such changes in the composition of the Senate as may be deemed expedient; provided that no change shall be made that affects the rights of representation thereon of a federated university or college, unless the change is assented to by the federated university or college affected by the change and is approved by the Board.

23. There shall be a committee, to be called the Court of Discipline, which shall be composed of the President, who shall be the chairman, the Registrar of the University, the principal or head of University College and of each federated university or college, the Dean of Men and the Dean of Women, if and when appointed, and the dean of each faculty or school of the University, and the presence of at least four members constitutes a quorum at a meeting of the Court of Discipline.

- 24.—(1) The governing body of each federated university or college has disciplinary jurisdiction over and the entire responsibility for the conduct of its students in respect of all matters arising or occurring in or upon its university or college buildings and grounds, including residences. Disciplinary jurisdiction of governing bodies
- (2) In all other cases, as respects all students of the University and of each federated university or college, disciplinary action is vested in the Court of Discipline, but the Court of Discipline may delegate its authority in any particular case or by general regulations to the governing body of the faculty, school or college to which the student belongs. Disciplinary jurisdiction of Court of Discipline
- 25.—(1) The power of the Court of Discipline includes Punishment power to suspend, to impose fines and to recommend to the Senate the withholding of degrees, diplomas, certificates or academic standing.
- (2) In cases involving conduct that the Court of Discipline or the governing body of a federated university or college considers may warrant the punishment of expulsion, the Court of Discipline has power to award, either in addition to or in substitution for any other punishment that may be awarded, the punishment of expulsion, subject to confirmation by the Board, whose decision is final and not open to review. Expulsion
26. With respect to the conduct and discipline as Power to change provisions students of the University of all students enrolled in any federated university or college or in University College, the provisions of sections 24 and 25 may be abrogated or changed by the Board. re discipline
27. If any university or college is federated or affiliated with the University and has the right to grant degrees, such right, except for degrees in Theology, shall remain dormant during the time that such university or college remains federated or affiliated with the University. Suspension of degree-granting rights of federated colleges
- 28.—(1) There shall be a President of the University President who shall be appointed by the Board and who, unless otherwise provided, shall hold office during the pleasure of the Board.
- (2) The President is the chief executive officer of the University and chairman of the Senate and has supervision over and direction of the academic work and Idem

general administration of the University and the teaching staff thereof, and the students thereof, and the officers and servants thereof, and has such other powers and duties as may from time to time be conferred upon him by the Board.

Vice-  
Presidents

- (3) The Board may appoint one or more Vice-Presidents, who have such powers and duties as may be conferred upon or assigned to them by the Board.

Accounts

29. The accounts of the University shall be audited at least once a year by an auditor or auditors appointed by the Board.

Reports

30. The Board shall submit to the Lieutenant Governor in Council, upon request, the annual report of the University and such other reports as may be so requested from time to time.

1960, c. 151,  
ss. 29, 30,  
re-numbered

**5.** Sections 29 and 30 of *The Laurentian University of Sudbury Act, 1960* are renumbered as sections 31 and 32.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Laurentian University of Sudbury Act, 1961-62*.

to the ... of ...

An Act respecting  
Laurentian University of Sudbury

---

*1st Reading*

March 5th, 1962

*2nd Reading*

*3rd Reading*

---

MR. BELISLE

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*(Reprinted as amended by the  
Committee on Private Bills)*

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**BILL Pr35**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting  
Laurentian University of Sudbury**

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MR. BELISLE

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BILL Pr35

1961-62

## An Act respecting Laurentian University of Sudbury

**W**HEREAS Laurentian University of Sudbury by its Preamble petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Laurentian University of Sudbury Act*, 1960, c. 151, s. 1, re-enacted 1960 is repealed and the following substituted therefor:

1. In this Act,

Interpre-  
tation

- (a) "affiliated college" means a college affiliated with the University;
- (b) "Board" means the Board of Governors of the University;
- (c) "college" means an institution of higher learning;
- (d) "federated college" means a college federated with the University;
- (e) "federated university" means a university federated with the University;
- (f) "property" includes all property, both real and personal;
- (g) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof or any estate or interest therein;

- (h) "Senate" means the Senate of the University;
- (i) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction;
- (j) "University" means Laurentian University of Sudbury.

1960, c. 151,  
ss. 4, 5,  
re-enacted

2. Sections 4 and 5 of *The Laurentian University of Sudbury Act, 1960* are repealed and the following substituted therefor:

Powers:

4.—(1) The University has university powers, including the power,

establish  
courses

- (a) to establish and maintain, in either or both of the French and English languages, such faculties, schools, institutes, departments and chairs as determined by the Board, other than those already established by The University of Sudbury, which faculties, schools, institutes, departments and chairs are continued in the University under authority of the Board and Senate;

degrees

- (b) to confer university degrees, honorary degrees, awards and diplomas in any and all branches of learning, except in Theology;

University  
College

- (c) to establish a college of the University within the Faculty of Arts and Science, to be known as University College, which college shall give instruction in either or both of the French and English languages in such subjects, excepting religious knowledge, as may from time to time be approved by the Faculty of Arts and Science of the University and be consented to by the Senate and Board, and the University shall accept such courses in partial fulfilment of the requirements for a degree under the same academic terms and conditions as would obtain if the instruction were given in the University;

federation  
of church-  
related  
colleges

- (d) to admit church-related universities or colleges into federation as colleges of the Faculty of Arts and Science, which church-related universities or colleges have the right to give

instruction in philosophy and religious knowledge and in such other subjects as may from time to time be approved by the Faculty of Arts and Science of the University and be consented to by the Senate and Board, and the University shall accept such courses in partial fulfilment of the requirements for a degree under the same academic terms and conditions as would obtain if the instruction were given in University College;

- (e) to permit federation or affiliation of other colleges or universities with the University and to make agreements for federation or affiliation with other colleges or universities, provided that Hearst College and Prince Albert College, presently affiliated with The University of Sudbury, may enter into agreements to affiliated with the University; <sup>federation</sup>
- (f) in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy any estate or property whatsoever, and to sell, grant, convey, mortgage, hypothecate, pledge, charge, lease or otherwise dispose of the same or any part thereof from time to time as occasion may require and to acquire other estate and property in addition thereto without licence in mortmain and without limitation as to the period of holding; <sup>University property R.S.O. 1960, c. 191</sup>
- (g) without the consent of the owner or of any person interested therein, other than a municipal corporation, to enter upon, take, use and expropriate all such real property as it deems necessary for the purposes of the University, making due compensation for any such real property to the owners and occupiers thereof and all persons having an interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation apply *mutatis mutandis* to the University and to the exercise by it of the powers conferred by this Act, and, where any act is by any of such provisions required to be done by the <sup>expropriation R.S.O. 1960, c. 249</sup>

clerk of a municipality or at the office of such clerk, the like act shall be done by or at the office of the secretary of the Board;

borrowing

(h) if authorized by by-law of the Board,

- (i) to borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board,
- (ii) to make, draw and endorse promissory notes or bills of exchange,
- (iii) to hypothecate, pledge, charge or mortgage any or all of its property to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it,
- (iv) to issue bonds, debentures and obligations on such terms and conditions as the Board may decide and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide and hypothecate, pledge, charge or mortgage all or any part of the property of the University to secure any such bonds, debentures and obligations.

Enrolment  
of students

- (2) Every undergraduate student in the Faculty of Arts and Science shall enrol either in University College or in one of the church-related colleges of the Faculty.

University  
non-denomi-  
national

5. The management and control of the University shall be non-denominational, and no religious test shall be required of any professor, lecturer, teacher, officer, employee, servant or student of the University, but such management and control shall be based upon Christian principles.

1960, c. 151,  
s. 10,  
amended

**3.** Section 10 of *The Laurentian University of Sudbury Act, 1960* is amended by striking out "whatsoever" in the third and fourth lines and inserting in lieu thereof "whomsoever", so that the section shall read as follows:

10. Nothing herein contained has the effect of, or shall be construed to have the effect of, rendering all or any of the members or officers of the University, or any person whomsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the University or for or on account or in respect of the University or for or on account or in respect of any matter or thing whatsoever relating to the University. <sup>Members and officers not individually liable for debts</sup>
4. Sections 13 to 28 of *The Laurentian University of Sudbury Act, 1960* are repealed and the following substituted therefor: <sup>1960, c. 151, ss. 13-28, re-enacted</sup>
13. The persons named in section 2 and five persons to be named by the Lieutenant Governor in Council, together with the President when appointed, shall constitute the Board of Governors of the University. <sup>Constitution of Board</sup>
14. The members of the Board shall hold office as follows: <sup>Terms of office</sup>
- (a) of the members mentioned in section 2, six shall hold office for a period of one year, six shall hold office for a period of two years, and seven shall hold office for a period of three years, and, as the term of any such member expires, the vacancy shall be filled by election by the Board, and such election shall be for a period of three years, and so on from time to time;
  - (b) the members of the Board appointed by the Lieutenant Governor in Council shall hold office for three years and until their successors are appointed by the Lieutenant Governor in Council;
  - (c) as the term of any member of the Board expires, such member is eligible for re-election or re-appointment.
15. Except as otherwise provided in this Act, no principal or head of any of the academic units of the University or of any federated or affiliated college, or any member of the teaching and administrative staff of the University or of any federated or affiliated college or any member of the staff, Board, Senate or governing body of any other degree-granting institution is eligible for appointment or election as a member of the Board. <sup>Eligibility</sup>

Filling  
vacancies

16. Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled by the Board, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Chairman  
and vice-  
chairman

- 17.—(1) The Board shall elect one of its members to be chairman and one of its members to be vice-chairman, and, in case of the absence or illness of the chairman or of there being a vacancy in the office of the chairman, the vice-chairman shall act as and have all the powers of the chairman.

Idem

- (2) In case of the absence or illness of the chairman and the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore*, and the member so appointed shall act as and have all the powers of the chairman.

Manage-  
ment of  
University  
vested in  
Board

- 18.—(1) Except as to such matters as are by this Act specifically assigned to the President, the Senate, federated universities and federated colleges, all powers over, in respect of or in relation to the government, financial management and control of the University and of its officers, servants and agents, its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University and, without limiting the generality of the foregoing, has power,

(a) to appoint and dismiss the President and Vice-Presidents;

(b) upon the recommendation of the President, to appoint and dismiss the heads and associate heads of the faculties, departments and colleges of the University, other than of federated universities or colleges or of affiliated universities or colleges, and the professors and other members of the teaching staff of the University, other than of federated universities or colleges or of affiliated universities or colleges, and to appoint and dismiss all other officers, servants, agents and employees of the University, other than of federated universities or colleges and other than of affiliated universities or colleges, and the tenure of office



and employment of all such appointments made by the Board shall, unless otherwise provided, be during the pleasure of the Board;

- (c) to determine and fix the salaries of the President, the Vice-Presidents and all other members of the teaching staff and all servants, agents and employees of the University;
  - (d) to appoint an executive committee of five members and to define its powers.
- (2) No action of the Board shall require confirmation <sup>Idem</sup> by the members of the University.
- (3) All the powers over, in respect of or in relation to <sup>Idem</sup> the University and University College, which are not by the terms of this Act directed to be exercised by any other person or body of persons, are hereby, subject to the provisions of this Act, vested in the Board.
- (4) The Board has power to make by-laws, resolutions or regulations, <sup>Power of Board to make by-laws, etc.</sup>
- (a) pertaining to the meetings of the Board and its transactions, and fixing the quorum of the Board;
  - (b) providing for the appointment of committees by the Board and for the conferring upon any of such committees of authority to act for the Board with respect to any matters or class or classes of matters, but,
    - (i) a majority of the members of every such committee, including in the computation thereof the *ex officio* members, shall be members of the Board, and
    - (ii) no decision of a committee, which includes in its membership persons who are not members of the Board, shall be valid or effective until approved and ratified by the Board;
  - (c) providing for the retirement and superannuation of the persons mentioned in clauses *a* and *b* of subsection 1;

- (d) providing for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities or life insurance, or any combination thereof, payable to, in respect of or for the benefit of the persons mentioned in clauses *a* and *b* of subsection 1, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise, whether affected by agreements or arrangements entered into with one or more insurance companies licensed to transact business in Ontario or with Her Majesty in right of Ontario, or Her Majesty in right of Canada, or otherwise; and
- (e) providing for and governing a health service and health examination and physical instruction and training of the students of the University and University College.

Idem

- (5) Save as in this Act otherwise expressly provided, the action of the Board in any matter with which it may deal shall be by by-law, resolution or regulation, as the Board may determine, but it is not essential to the validity of any such by-law, resolution or regulation that it be under the corporate seal of the University if it is authenticated in the manner prescribed by the Board.

Composition  
of Senate

- 19. There shall be a Senate of the University composed of,
  - (a) the President, *ex officio*, who shall be its chairman;
  - (b) the Academic Vice-President, *ex officio*, when there is such an official;
  - (c) the principal or head of each federated university and college;
  - (d) the dean of each faculty and school of the University;
  - (e) the Librarian;
  - (f) the Registrar of the University, who shall be the secretary of the Senate;
  - (g) the Director of the Extension Department of the University;

- (h) one full-time professor elected annually by each federated university and college;
  - (i) two full-time professors elected annually by each faculty, school and college of the University.
20. No person is eligible for appointment as a member of the Senate who is a member of a governing body or senate or faculty of any degree-granting university, college or institution of higher learning, other than the University and its federated and affiliated colleges. <sup>Ineligibility of members of another university</sup>
21. The Senate is responsible for the educational policy of the University, and, with the approval of the Board in so far as the expenditure of funds and establishment of facilities are concerned, may create faculties, schools, institutes, departments, chairs or courses of instruction within the University, may create faculty councils to act as committees which may recommend to the Senate regulations respecting the admission of the students, courses of study and requirements for graduation, may pass by-laws, resolutions and regulations in respect of matters in this section referred to, and may from time to time amend or replace any of its by-laws, resolutions and regulations, and, without limiting the generality of the foregoing, the Senate has power, <sup>Powers of Senate</sup>
- (a) to conduct examinations and appoint examiners;
  - (b) to deal with matters that arise in connection with the award of fellowships, scholarships, medals, prizes and other awards;
  - (c) to confer degrees of Bachelor, Master and Doctor in the several arts, sciences and faculties and all other degrees that may appropriately be conferred by a university, except degrees in Theology;
  - (d) to confer honorary degrees with the concurrence of the Board.
22. In addition to such other powers and duties as are expressly mentioned in this Act, the Senate shall, <sup>Idem</sup>
- (a) provide for the regulation and conduct of its proceedings, including the determination of a quorum necessary for the transaction of business;

- (b) provide for the convening and conduct of such Convocations as may be requisite for the purposes set out in this Act;
- (c) recommend to the Board the federation or affiliation of any university or college, the dissolution or suspension of any such federation or affiliation or the modification or alteration of the terms thereof;
- (d) consider and determine, on the recommendations of the respective faculty and school councils, the courses of study in all faculties and schools;
- (e) provide, if deemed necessary by the Senate, for an executive committee, which shall act in the name and on behalf of the Senate, whose constitution and powers shall be as the Senate may from time to time determine;
- (f) consider all such matters as are reported to it by any faculty council and communicate its opinion or action thereon to the faculty council;
- (g) make rules and regulations for the management and conduct of the library, and prescribe the duties of the Librarian;
- (h) make such changes in the composition of the Senate as may be deemed expedient; provided that no change shall be made that affects the rights of representation thereon of a federated university or college, unless the change is assented to by the federated university or college affected by the change and is approved by the Board.

Court of  
Discipline

23. There shall be a committee, to be called the Court of Discipline, which shall be composed of the President, who shall be the chairman, the Registrar of the University, the principal or head of University College and of each federated university or college, the Dean of Men and the Dean of Women, if and when appointed, and the dean of each faculty or school of the University, and the presence of at least four members constitutes a quorum at a meeting of the Court of Discipline.

- 24.—(1) The governing body of each federated university or college has disciplinary jurisdiction over and the entire responsibility for the conduct of its students in respect of all matters arising or occurring in or upon its university or college buildings and grounds, including residences. Disciplinary jurisdiction of governing bodies
- (2) In all other cases, as respects all students of the University and of each federated university or college, disciplinary action is vested in the Court of Discipline, but the Court of Discipline may delegate its authority in any particular case or by general regulations to the governing body of the faculty, school or college to which the student belongs. Disciplinary jurisdiction of Court of Discipline
- 25.—(1) The power of the Court of Discipline includes power to suspend, to impose fines and to recommend to the Senate the withholding of degrees, diplomas, certificates or academic standing. Punishment
- (2) In cases involving conduct that the Court of Discipline or the governing body of a federated university or college considers may warrant the punishment of expulsion, the Court of Discipline has power to award, either in addition to or in substitution for any other punishment that may be awarded, the punishment of expulsion, subject to confirmation by the Board, whose decision is final and not open to review. Expulsion
26. With respect to the conduct and discipline as students of the University of all students enrolled in any federated university or college or in University College, the provisions of sections 24 and 25 may be abrogated or changed by the Board. Power to change provisions re discipline
27. If any university or college is federated or affiliated with the University and has the right to grant degrees, such right, except for degrees in Theology, shall remain dormant during the time that such university or college remains federated or affiliated with the University. Suspension of degree-granting rights of federated colleges
- 28.—(1) There shall be a President of the University who shall be appointed by the Board and who, unless otherwise provided, shall hold office during the pleasure of the Board. President
- (2) The President is the chief executive officer of the University and chairman of the Senate and has supervision over and direction of the academic work and Idem

general administration of the University and the teaching staff thereof, and the students thereof, and the officers and servants thereof, and has such other powers and duties as may from time to time be conferred upon him by the Board.

Vice-  
Presidents

- (3) The Board may appoint one or more Vice-Presidents, who have such powers and duties as may be conferred upon or assigned to them by the Board.

Accounts

29. The accounts of the University shall be audited at least once a year by an auditor or auditors appointed by the Board.

Reports

30. The Board shall submit to the Lieutenant Governor in Council, upon request, the annual report of the University and such other reports as may be so requested from time to time.

1960, c. 151,  
ss. 29, 30,  
re-numbered

- 5.** Sections 29 and 30 of *The Laurentian University of Sudbury Act, 1960* are renumbered as sections 31 and 32.

Commence-  
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

Short title

- 7.** This Act may be cited as *The Laurentian University of Sudbury Act, 1961-62*.



An Act respecting  
Laurentian University of Sudbury

---

*1st Reading*

March 5th, 1962

*2nd Reading*

April 2nd, 1962

*3rd Reading*

April 17th, 1962

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MR. BELISLE

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**BILL Pr36**

---

3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

---

**An Act respecting the City of Hamilton**

---

MR. EDWARDS (Wentworth)

---

(PRIVATE BILL)



BILL Pr36

1961-62

## An Act respecting the City of Hamilton

**W**HEREAS The Corporation of the City of Hamilton Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1.—(1) The council of The Corporation of the City of Authority  
to repeal  
By-law  
No. 83  
Hamilton may, by by-law passed without the assent of the  
electors, repeal By-law No. 83, entitled "To Provide for the  
Adoption of *The Public Parks Act* in the City of Hamilton",  
passed by the council of the Corporation on the 8th day of  
January, 1900, on the petition of more than 500 electors,  
pursuant to the provisions of *The Public Parks Act*.

R.S.O. 1897,  
c. 233

(2) When a by-law passed under subsection 1 becomes Effect of  
repeal  
effective, all the assets and liabilities of The Board of Park  
Management of the City of Hamilton are vested in The  
Corporation of the City of Hamilton.

(3) On and after the effective date of a by-law passed under Effect of  
dissolution  
of Board  
of Park  
Management  
subsection 1, any reference to The Board of Park Manage-  
ment of the City of Hamilton in any general or special Act  
shall be deemed to be a reference to The Corporation of the  
City of Hamilton.

(4) Where a by-law is passed under subsection 1, the council Board of  
management  
of The Corporation of the City of Hamilton may appoint a  
committee, composed of three members of the council and  
four resident ratepayers who are qualified to be elected as  
members of the council, to act on its behalf as a board of  
management for the administration of parks, recreational  
areas, community centres and community recreational pro-  
grammes.

Grants to  
H.T.C.

**2.** The Corporation of the City of Hamilton may make grants to the Hamilton Transit Commission to cover the cost of providing, within whatever hours may be specified, transportation free of charge to a recipient of a governmental benefit under the *Old Age Security Act* (Canada), or under *The Old Age Assistance Act*, residing in the municipality, or to any resident of the municipality who, but for lack of Canadian citizenship, would be entitled to such governmental benefit.

R.S.C. 1952,  
c. 200  
R.S.O. 1960,  
c. 267

Commence-  
ment

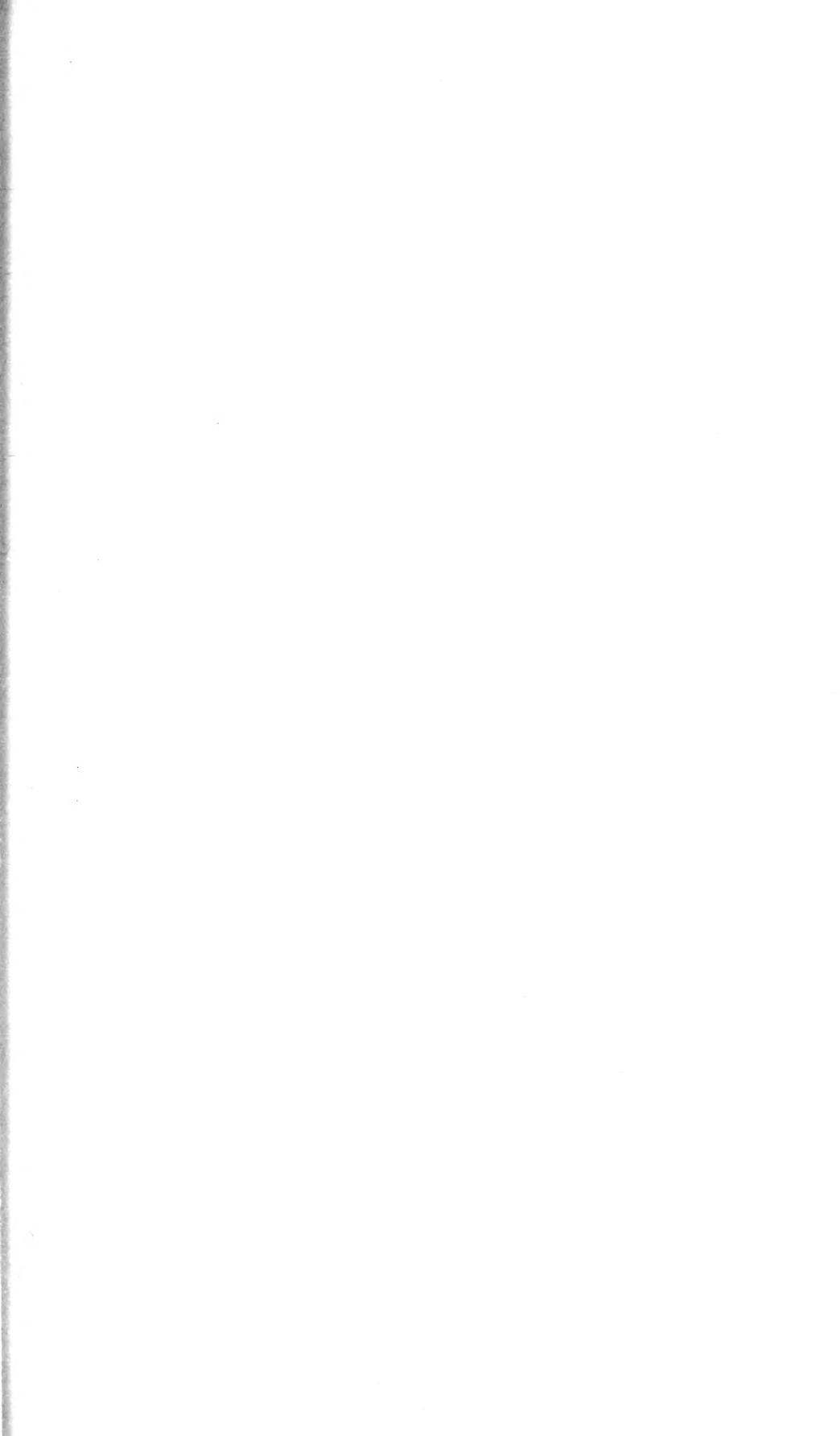
**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The City of Hamilton Act, 1961-62 (No. 2)*.







An Act respecting the City of Hamilton

---

*1st Reading*

*2nd Reading*

*3rd Reading*

---

MR. EDWARDS (Wentworth)

*(Private Bill)*



# **BILL Pr36**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the City of Hamilton**

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**MR. EDWARDS (Wentworth)**

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*(Reprinted as amended by the Committee on Private Bills)*



BILL Pr36

1961-62

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Adoption of *The Public Parks Act* in the City of Hamilton",  
passed by the council of the Corporation on the 8th day of  
January, 1900, on the petition of more than 500 electors,  
pursuant to the provisions of *The Public Parks Act*. R.S.O. 1897,  
c. 233

(2) When a by-law passed under subsection 1 becomes Effect of  
repeal  
effective, all the assets and liabilities of The Board of Park  
Management of the City of Hamilton are vested in The  
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(3) On and after the effective date of a by-law passed under Effect of  
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(4) Where a by-law is passed under subsection 1, the council Board of  
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committee, composed of three members of the council and  
four resident ratepayers who are qualified to be elected as  
members of the council, to act on its behalf as a board of  
management for the administration of parks, recreational  
areas, community centres and community recreational pro-  
grammes.

Grants to  
H.T.C.

**2.** The Corporation of the City of Hamilton may make grants to the Hamilton Transit Commission to cover the cost of providing, within whatever hours may be specified, transportation free of charge or at a reduced rate to a recipient of a governmental benefit under the *Old Age Security Act* (Canada), or under *The Old Age Assistance Act*, residing in the municipality, or to any resident of the municipality who, but for lack of Canadian citizenship, would be entitled to such governmental benefit.

R.S.C. 1952,  
c. 200  
R.S.O. 1960,  
c. 267

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The City of Hamilton Act, 1961-62 (No. 2)*.







An Act respecting the City of Hamilton

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*1st Reading*

March 5th, 1962

*2nd Reading*

*3rd Reading*

---

MR. EDWARDS (Wentworth)

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*(Reprinted as amended by the  
Committee on Private Bills)*



# **BILL Pr36**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting the City of Hamilton**

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**MR. EDWARDS (Wentworth)**

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BILL Pr36

1961-62

## An Act respecting the City of Hamilton

**W**HEREAS The Corporation of the City of Hamilton <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Hamilton may, by by-law passed without the assent of the electors, repeal By-law No. 83, entitled "To Provide for the Adoption of *The Public Parks Act* in the City of Hamilton", passed by the council of the Corporation on the 8th day of January, 1900, on the petition of more than 500 electors, pursuant to the provisions of *The Public Parks Act*. <sup>Authority to repeal By-law No. 83</sup>

R.S.O. 1897,  
c. 233

(2) When a by-law passed under subsection 1 becomes effective, all the assets and liabilities of The Board of Park Management of the City of Hamilton are vested in The Corporation of the City of Hamilton. <sup>Effect of repeal</sup>

(3) On and after the effective date of a by-law passed under subsection 1, any reference to The Board of Park Management of the City of Hamilton in any general or special Act shall be deemed to be a reference to The Corporation of the City of Hamilton. <sup>Effect of dissolution of Board of Park Management</sup>

(4) Where a by-law is passed under subsection 1, the council of The Corporation of the City of Hamilton may appoint a committee, composed of three members of the council and four resident ratepayers who are qualified to be elected as members of the council, to act on its behalf as a board of management for the administration of parks, recreational areas, community centres and community recreational programmes. <sup>Board of management</sup>

Grants to  
H.T.C.

**2.** The Corporation of the City of Hamilton may make grants to the Hamilton Transit Commission to cover the cost of providing, within whatever hours may be specified, transportation free of charge or at a reduced rate to a recipient of a governmental benefit under the *Old Age Security Act* (Canada), or under *The Old Age Assistance Act*, residing in the municipality, or to any resident of the municipality who, but for lack of Canadian citizenship, would be entitled to such governmental benefit.

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An Act respecting the City of Hamilton

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*1st Reading*

March 5th, 1962

*2nd Reading*

April 2nd, 1962

*3rd Reading*

April 17th, 1962

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Mr. EDWARDS (Wentworth)

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**BILL Pr37**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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**An Act respecting Riverview Health Association**

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**MR. REAUME**

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**(PRIVATE BILL)**



Bill Pr37

1961-62

## An Act respecting Riverview Health Association

**W**HEREAS Riverview Health Association by its petition <sup>Preamble</sup> has represented that it was incorporated under *The Companies Act* <sup>R.S.O. 1927, c. 218</sup> by letters patent dated the 4th day of March, 1931, and that it owns and operates Riverview Hospital, a public hospital approved under *The Public Hospitals Act*, at the City of Windsor; and whereas the petitioner has prayed <sup>R.S.O. 1960, c. 322</sup> for special legislation to provide for the distribution of the property of Riverview Health Association in the event of dissolution; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Upon dissolution of Riverview Health Association and after payment of all debts and liabilities thereof, the remaining <sup>Distribution of property upon dissolution</sup> property of Riverview Health Association shall be distributed or disposed of to hospitals approved under *The Public Hospitals Act* situate within the County of Essex in the Province of Ontario in such manner and upon such terms as may be directed by the Hospital Services Commission of Ontario; provided, however, that such property shall be distributed only among such hospitals the net earnings of which do not enure to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation and which do not participate in or intervene in any political campaign on behalf of any candidate for public office.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**3.** This Act may be cited as *The Riverview Health Association Act, 1961-62*. <sup>Short title</sup>

An Act respecting  
Riverview Health Association

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*1st Reading*

*2nd Reading*

*3rd Reading*

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MR. REAUME

*(Private Bill)*

# **BILL Pr37**

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**3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62**

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## **An Act respecting Riverview Health Association**

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**MR. REAUME**

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Bill Pr37

1961-62

## An Act respecting Riverview Health Association

**W**HEREAS Riverview Health Association by its petition <sup>Preamble</sup> has represented that it was incorporated under *The R.S.O. 1927,* *Companies Act* by letters patent dated the 4th day of March, <sup>c. 218</sup> 1931, and that it owns and operates Riverview Hospital, a public hospital approved under *The Public Hospitals Act*, at <sup>R.S.O. 1960,</sup> the City of Windsor; and whereas the petitioner has prayed <sup>c. 322</sup> for special legislation to provide for the distribution of the property of Riverview Health Association in the event of dissolution; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Upon dissolution of Riverview Health Association and after payment of all debts and liabilities thereof, the remaining <sup>Distribution of property upon dissolution</sup> property of Riverview Health Association shall be distributed or disposed of to hospitals approved under *The Public Hospitals Act* situate within the County of Essex in the Province of Ontario in such manner and upon such terms as may be directed by the Hospital Services Commission of Ontario; provided, however, that such property shall be distributed only among such hospitals the net earnings of which do not enure to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation and which do not participate in or intervene in any political campaign on behalf of any candidate for public office.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

**3.** This Act may be cited as *The Riverview Health Associa- Short title*  
*tion Act, 1961-62.*

An Act respecting  
Riverview Health Association

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*1st Reading*

March 5th, 1962

*2nd Reading*

April 2nd, 1962

*3rd Reading*

April 17th, 1962

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MR. REAUME

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# **BILL Pr38**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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## **An Act respecting The Windsor Board of Education and The Windsor Suburban District High School Board**

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MR. REAUME

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(PRIVATE BILL)

1877 / 1878

1877

BILL Pr38

1961-62

**An Act respecting The  
Windsor Board of Education and The  
Windsor Suburban District High School Board**

**W**HEREAS The Board of Education for the City of Windsor and The Windsor Suburban District High School Board by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Agreement between The Windsor Suburban District High School Board and The Board of Education for the City of Windsor, dated the 15th day of February, 1962, set forth as the Schedule hereto, is declared to be legal, valid and binding upon both boards, and both boards are hereby empowered to carry out all their respective obligations that might arise thereunder. Agreement  
validated

**2.** The Agreement may be amended by the mutual consent of both boards and only with the approval and consent of the Minister of Education. Amendment  
of Agreement

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Windsor and Suburban Secondary Schools Act, 1961-62.* Short title

## SCHEDULE

THIS AGREEMENT made in duplicate this 15th day of February, 1962.

BETWEEN :

THE WINDSOR SUBURBAN DISTRICT HIGH SCHOOL BOARD,  
hereinafter called "the Suburban Board",

OF THE FIRST PART,

— and —

THE BOARD OF EDUCATION FOR THE CITY OF WINDSOR,  
hereinafter called "the Windsor Board",

OF THE SECOND PART.

WHEREAS by indenture dated the 17th day of June, 1955, the Parties hereto entered into an agreement as to accommodation of secondary school students from the Windsor suburban area in secondary schools of the Windsor Board;

AND WHEREAS there is now need for more accommodation for secondary school students residing in the Township of Sandwich East but the building of a secondary school in such Township is not feasible because of the number involved and the geographical distribution of such students;

AND WHEREAS additions to the W. F. Herman Collegiate Institute (hereinafter called the "Herman Collegiate") located in the City of Windsor near the boundary between the City of Windsor and the Township of Sandwich East would provide a satisfactory solution to the problem;

AND WHEREAS the Windsor Board has consented to the Suburban Board constructing suitable additions to the Herman Collegiate upon the terms and conditions hereinafter contained;

WITNESSETH that in consideration of the premises and the terms and conditions hereinafter contained, the Parties hereto mutually agree as follows:—

1. The Suburban Board shall, at its expense, construct and equip additions to the Herman Collegiate in conformity with its present design and construction according to plans and specifications to be submitted by the Suburban Board and approved in writing by the Windsor Board, such additions to consist of a two-storey wing containing at least twelve classrooms, one art room, one laboratory, two washrooms and other usual accommodations and conveniences of a type and quality in conformity with the existing Herman Collegiate, together with one additional industrial arts shop adjacent to the existing one, an enlargement of the cafeteria by adding the adjacent classroom, necessary renovations to the heating plant of the Collegiate to heat the above additions, other necessary additions to and extensions of services in the existing building, sufficient equipment, as specified by the Windsor Board, and lockers, and necessary landscaping; all of which is hereinafter referred to as "the additions" and shall be substantially completed in order for students to be admitted on the first day of school in September, 1962.

2. The additions shall become the property of the Windsor Board which shall control and operate the new facilities and pay for all the operation expenses and maintenance as an integral part of Herman Collegiate.

3. In consideration of the payment for the additions by the Suburban Board, the Suburban Board shall be entitled to the following:—

- (a) guaranteed accommodation in Herman Collegiate for a minimum of thirty students in respect of each classroom or instructional area afforded by such additions which is in excess of the number at this date available in the Herman Collegiate; Provided that if the average number of students per teaching area in the school at its opening in September exceeds thirty, such average number shall be used instead of thirty.
- (b) in respect of the perfect aggregate attendance of 250 students from the suburban area attending secondary schools located in the City of Windsor, the computation of tuition costs payable by the Suburban Board to the Windsor Board under the provisions of the said agreement dated the 17th day of June, 1955, shall not include as part of the total gross current expenditures for the calendar year either capital expenditures out of current funds or payments for principal and interest on debentures in respect of Windsor schools owned by the Windsor Board; provided that for computing costs for the year 1962, this paragraph shall apply only to the perfect aggregate attendance of 250 students during the period between September 1st, 1962 and December 31st, 1962.

4. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors until the 31st day of December, 1982.

5. Both Boards shall co-operate and take the necessary steps to obtain a Private Bill of the Legislative Assembly of the Province of Ontario validating this agreement and allowing amendments with the approval of the Minister of Education.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals attested by the hands of their proper officers in that behalf.

THE WINDSOR SUBURBAN DISTRICT HIGH SCHOOL BOARD:

FRANCIS MORAND,  
*Chairman.*

W. V. BOUTELLER,  
*Secretary.*

THE BOARD OF EDUCATION FOR THE CITY OF WINDSOR:

K. C. HORTOP,  
*Chairman.*

T. C. WHITE,  
*Secretary.*





An Act respecting The Windsor Board of  
Education and The Windsor Suburban  
District High School Board

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*1st Reading*

March 5th, 1962

*2nd Reading*

*3rd Reading*

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MR. REAUME

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(*Private Bill*)



# **BILL Pr38**

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3RD SESSION, 26TH LEGISLATURE, ONTARIO  
10-11 ELIZABETH II, 1961-62

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## **An Act respecting The Windsor Board of Education and The Windsor Suburban District High School Board**

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MR. REAUME

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BILL Pr38

1961-62

**An Act respecting The  
Windsor Board of Education and The  
Windsor Suburban District High School Board**

**W**HEREAS The Board of Education for the City of Windsor and The Windsor Suburban District High School Board by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Agreement between The Windsor Suburban District High School Board and The Board of Education for the City of Windsor, dated the 15th day of February, 1962, set forth as the Schedule hereto, is declared to be legal, valid and binding upon both boards, and both boards are hereby empowered to carry out all their respective obligations that might arise thereunder.

Agreement  
validated

**2.** The Agreement may be amended by the mutual consent of both boards and only with the approval and consent of the Minister of Education.

Amendment  
of Agreement

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** This Act may be cited as *The Windsor and Suburban Secondary Schools Act, 1961-62*.

Short title

## SCHEDULE

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BETWEEN :

THE WINDSOR SUBURBAN DISTRICT HIGH SCHOOL BOARD,  
hereinafter called "the Suburban Board",

OF THE FIRST PART,

— and —

THE BOARD OF EDUCATION FOR THE CITY OF WINDSOR,  
hereinafter called "the Windsor Board",

OF THE SECOND PART.

WHEREAS by indenture dated the 17th day of June, 1955, the Parties hereto entered into an agreement as to accommodation of secondary school students from the Windsor suburban area in secondary schools of the Windsor Board;

AND WHEREAS there is now need for more accommodation for secondary school students residing in the Township of Sandwich East but the building of a secondary school in such Township is not feasible because of the number involved and the geographical distribution of such students;

AND WHEREAS additions to the W. F. Herman Collegiate Institute (hereinafter called the "Herman Collegiate") located in the City of Windsor near the boundary between the City of Windsor and the Township of Sandwich East would provide a satisfactory solution to the problem;

AND WHEREAS the Windsor Board has consented to the Suburban Board constructing suitable additions to the Herman Collegiate upon the terms and conditions hereinafter contained;

WITNESSETH that in consideration of the premises and the terms and conditions hereinafter contained, the Parties hereto mutually agree as follows:—

1. The Suburban Board shall, at its expense, construct and equip additions to the Herman Collegiate in conformity with its present design and construction according to plans and specifications to be submitted by the Suburban Board and approved in writing by the Windsor Board, such additions to consist of a two-storey wing containing at least twelve classrooms, one art room, one laboratory, two washrooms and other usual accommodations and conveniences of a type and quality in conformity with the existing Herman Collegiate, together with one additional industrial arts shop adjacent to the existing one, an enlargement of the cafeteria by adding the adjacent classroom, necessary renovations to the heating plant of the Collegiate to heat the above additions, other necessary additions to and extensions of services in the existing building, sufficient equipment, as specified by the Windsor Board, and lockers, and necessary landscaping; all of which is hereinafter referred to as "the additions" and shall be substantially completed in order for students to be admitted on the first day of school in September, 1962.

2. The additions shall become the property of the Windsor Board which shall control and operate the new facilities and pay for all the operation expenses and maintenance as an integral part of Herman Collegiate.

3. In consideration of the payment for the additions by the Suburban Board, the Suburban Board shall be entitled to the following:—

- (a) guaranteed accommodation in Herman Collegiate for a minimum of thirty students in respect of each classroom or instructional area afforded by such additions which is in excess of the number at this date available in the Herman Collegiate; Provided that if the average number of students per teaching area in the school at its opening in September exceeds thirty, such average number shall be used instead of thirty.
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FRANCIS MORAND,  
*Chairman.*

W. V. BOUTEILLER,  
*Secretary.*

THE BOARD OF EDUCATION FOR THE CITY OF WINDSOR:

K. C. HORTOP,  
*Chairman.*

T. C. WHITE,  
*Secretary.*





**BILL Pr38**

**An Act respecting The Windsor Board of  
Education and The Windsor Suburban  
District High School Board**

*1st Reading*

March 5th, 1962

*2nd Reading*

April 2nd, 1962

*3rd Reading*

April 17th, 1962

MR. REAUME













